THE

Parliamentary Regiſter;

OR

HISTORY

OF THE

PROCEEDINGS AND DEBATES

OF THE

HOUSE OF COMMONS;

CONTAINING AN ACCOUNT OF

The moſt intereſting SPEECHES and MOTIONS; accurate Copies of the moſt remarkable LETTERS and PAPERS; of the moſt material EVIDENCE, PETITIONS, &c. laid before and offered to the HOUSE,

DURING THE

SECOND SESSION of the SEVENTEENTH PARLIAMENT

OF

GREAT BRITAIN.

VOL. XXXIII.

LONDON.
Printed for J. DEBRETT, oppoſite BURLINGTON HOUSE, PICCADILLY.

M.DCC.XCII.

INDEX

TO THE

DEBATES AND PROCEEDINGS

IN THE

HOUSE OF COMMONS.

VOLUME XXXIII.

A

INDEX

TO THE

SPEAKERS' NAMES.

INDEX

TO THE

DEBATES AND PROCEEDINGS

OF THE

HOUSE OF LORDS.

VOLUME XXXIII.

INDEX

TO THE

SPEAKERS' NAMES.

THE

THE

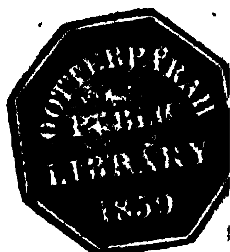
HISTORY

OF THE

PROCEEDINGS AND DEBATES

OF THE

HOUSE OF COMMONS,



In the SECOND SESSION of the

Seventeenth Parliament of GREAT BRITAIN,

Appointed to be holden at WESTMINSTER,

On THURSDAY the 25th of NOVEMBER, 1790.

Thurſday, 3d May, 1792.

MR. Chancellor PITT moved the order of the day, which was, that the bill for the encouragement of the growth of timber, for the naval ſervice, in the New Foreſt, in the county of Southampton, be committed to a Committee of the whole Houſe.

Mr. FOX ſaid, there did not appear to him to be any particular urgency, that made it neceſſary that the bill ſhould paſs this ſeſſion, and therefore he thought it better to wait till they had received all the reports that were to come from the Committee, and taken the whole into conſideration, previous to the Houſe coming to a vote upon it. There were in the preſent bill, ſeveral matters that appeared to him to be exceedingly objectionable; in particular, the changing copyholds, and even leaſeholds, into freeholds. The right honourable gen-

tleman, when he firſt opened the bill, had done it rather ſlightly, and had not ſaid a word in explanation of various important conſiderations to which the proviſions of the bill referred. Upon the whole, he, for one, did not by any means approve of the ſyſtem, with reſpect to the Crown lands and foreſts, that the right honourable gentleman had adopted; and he repeated it, that he ſaw no urgency for the bill's paſſing this ſeſſion.

Mr. Chancellor PITT ſaid, when he had introduced the bill, he had fully opened the nature and extent of it, but that the Houſe were in poſſeſſion of what muſt have given to thoſe who wiſhed to underſtand the ſubject of the bill, much more ſatisfactory information than any opening of his could do, viz. the Reports of the Committee then upon their table. He ſtated, that the New Foreſt, from its ſituation, lay moſt convenient for the tranſport of timber for the uſe of the navy either to Portſmouth or Plymouth. That it had been found to be in ſuch a condition, that if proper care was not immediately taken, no timber fit for the public ſervice could be produced there for many years; that, on the contrary, under the proviſions of the bill, a conſiderable quantity might be yielded in a few years. He ſummarily mentioned the object of the ſeveral clauſes, and ſhewed that they were, with great pains, and, he truſted, with ſome ſucceſs, adapted to the nature and circumſtances of the caſe. He explained upon what principle it was that the copyholds were to be converted into freeholds; ſtated the whole doctrine of eſtovers; and ſaid, the property of the Crown would not be injured by the bill, but, on the contrary, would be very conſiderably improved, and the New Foreſt be rendered productive of revenue in an eminent degree, which would be applicable to the public ſervice.

Lord SHEFFIELD ſaid, it had been his opinion, that the beſt means of rendering the Foreſt lands advantageous to the Public, would be by making them private property, not merely for the ſake of the money for which they ſhould ſell, and the expence that would be ſaved, but becauſe the lands would become, in private hands, infinitely more productive. Since he had conſidered the ſubject more fully, he was diſpoſed to think it might be adviſeable to keep the foreſts in the hands of the Crown, that is, if they are to be regulated entirely for the growth of timber; the great diſtance of the profit, the want of

competition for large timber, and the consequent inadequate price, discouraged individuals from suffering trees to grow to that size, which was necessary for our great ships; and he thought he might venture to say, that in a short time there would be no large timber in the country, except, perhaps, in the parks of men of fortune, or in forests. The eleventh Report of the Commissioners is well worth the attention of the House, and is very satisfactory on this subject. He then said, that he wished the bill had no other object but the encouragement of the growth of timber. He hoped that part of it which allots so considerable a number of acres for deer, the greatest enemies of trees, would be given up. The Royal Family could derive little or no satisfaction from the intended Park, at such a distance; besides the loss of the land, it would be a source of expence, and could answer no purpose but to furnish perquisites and occasion abuse. He observed, that the system of inclosing land for the growth of timber, and then laying it open, was absurd; when opened, there was an end to all succession of young trees. He said, the forest, under such regulations, would not produce so much timber as half the quantity of land regulated as were the woods of individuals. It would be better to allot the lands least favourable to the growth of timber to those who had claims, in lieu of all rights, and to inclose the rest for ever. He hoped there was an intention to bring forward a general bill for the encouragement of the growth of timber, and that some of the principles of the present bill would be adopted, particularly that part which enfranchises copyholds from all those mischievous manerial rights which check improvements. He said, he resided in that part of the kingdom where oak timber is supposed to grow the best; that passing through the country, the copyhold lands were immediately distinguishable by their nakedness; for that no copyholder would suffer a tree to grow till it became timber, and to encumber the land for the benefit of the Lord. He knew the extent of the mischief, and that it was great; and therefore, if some more proper person did not, he should, another session, propose to the House a bill for the enfranchisement of all copyhold lands in respect to timber, for an adequate compensation; and also to free them, as the present bill proposes, from heriots, reliefs, and fines, at the will of the Lord, those disgusting re-

mains of the worst kind of feudal rights, which are of little benefit to the Lords of Manors, and are oppressive and mischievous in a great degree. He should not propose to take away any rights that were necessary to the amusement of the owners of the manors. He only wished that copyholds might be timber free, and that heriots and arbitrary fines might be compensated; one checked improvement in the breed of cattle, and the other in respect to buildings and agriculture. He added, nothing could be more odious than the custom of the bailiffs of the Lords of Manors hovering round the house of a person on his death-bed, and the moment that the family is in the greatest distress, rushing in to seize the best cattle, or best furniture; and if they do not find enough to their mind, seizing favourite dogs. He concluded by saying, we had better part with such unworthy and unnecessary privileges for a valuable compensation, than wait till they have been wrested from us with all the violence that has been experienced in a neighbouring kingdom.

Mr. FOX still thought, that it made no manner of difference, whether the bill passed this session, or a session or two hence, at least that part of it which related to the conversion of copyholds and leaseholds into freeholds.

Sir JOHN CALL gave some reasons in support of the bill, the necessity of which he strenuously urged.

After farther debate, the bill passed through the Committee, and was ordered to be reported this day.

Sir BENJAMIN HAMMET moved, "That the report "of the Committee on the bill for making the estates of bank-"ers and other traders subject to the payment of their debts "after their decease, be taken into consideration on Tuesday "next."

The ATTORNEY GENERAL said, that this bill was of an extraordinary nature, and he was convinced would be of so dangerous a tendency, that he should move that the farther consideration should be postponed to this day three months. He said that gentlemen, when they allowed it to be proceeded in, were not aware what sort of a bill it was. If allowed to pass, there would be an end at once to all the distinction which the law made between simple contract debts, and debts specially. If a banker had an estate of 10,000l. a year, some unthinking

persons might, if this bill passed, think they had this estate as a security for the money they should deposit, when the next hour this estate might be mortgaged to the amount of 9000l. a year or more, so that in fact this would be no security whatever, but be a lure and false security of bankers to the destruction of the property of unwary persons. The proper, and the only fair way by which bankers could be estimated, and the safety of dealing with them be depended upon, was from the candour and probity of their transactions, and the established reputation and solvency of their house as bankers, not the amount of their real estate. He complimented bankers in the metropolis in general on their character, but lamented the late increase of them so much over different parts of the country. It was hardly possible to go into a country village now, where the Red Lion was not on one side, and a banker's shop on the other. He said, that this bill was much too loosely worded—Bankers and other traders thus could not be defined; it required at least the summer to consider how a bill that might so materially affect trade, should be framed. He, therefore, moved, That instead of the words "Tuesday next," be inserted the words "this day three months."

Mr. DRAKE said, he had been inclined on first hearing of the bill to wish well to it, and he believed he had signified his intention of giving it his support. But in consequence of what had fallen from the right honourable and learned gentleman, he rose to confess his penitence and make his retractation. He conceived the House to have been much indebted to the honourable and learned gentleman for having opened their eyes to the danger of the bill, and he trusted that they should in future have the benefit of that honourable gentleman's abilities, and that he would faithfully discharge that most essential duty of attending to the bills that were introduced into that House, watching their construction, correcting what was erroneous in them, and preventing them from passing with that shameful inaccuracy that characterized too many of their bills, and disgraced their statute books. Mr. Drake declared he should vote for the amendment.

Sir BENJAMIN HAMMET defended his bill, and endeavoured to prevail on the House to suffer it to wait for decision till another day. He pointed out the difference between

bankers and private gentlemen, the latter having no concern in trade, and the former being avowedly traders. He ſaid, he had not preſumed to introduce the bill, without having conſulted legal authorities. He had conferred with the firſt legal authority on the ſubject, and he concurred with him as to the principle of the bill, although he ſtated ſome caution as neceſſary to be attended to reſpecting its detail and proviſions.—Having Lord Kenyon's ſanction, as far as it went he had flattered himſelf his bill was to that degree unexceptionable, that it would only require amendment in the Committee to render it proper to paſs. He reminded the Houſe that a bill on a ſimilar ſubject had formerly paſſed that Houſe, and was loſt in the Houſe of Lords. He ſaid, he had a copy of that and alſo a copy of another bill, which had been introduced prior to that, made out by Mr. Benſon; that they contained clauſes which he deemed improper, and had therefore not introduced them in his bill, but he mentioned them to convince the Houſe, that it was not a new idea on which he had proceeded. Sir Benjamin preſſed the Houſe extremely to entertain the bill, and hoped, that the right honourable and learned gentleman, when he had more time to reflect on it, would be reconciled to it. He reprobated the idea of a banker reſorting to the ſtatute of limitations, declaring that it was impoſſible almoſt to imagine that any man in the profeſſion, who expected to preſerve any degree of credit, would refuſe to pay a bill, be the time at which it was dated what it might. He mentioned the caſe he had formerly ſtated of a banker having purchaſed a large eſtate, and his partner taking alarm at it, and having withdrawn his money from the firm, thus by an early act of prudence obtained a full payment of the demands of the creditors. Since the bill had been under diſcuſſion, he ſaid, a very honeſt and worthy man in the profeſſion had died, and had previouſly given his note for a very large ſum to a cuſtomer. Upon his death his perſonal eſtate had been found inadequate to the diſcharge of his debts, and his widow to this day refuſed to give up the landed eſtate to the greateſt creditor.

The ATTORNEY GENERAL, in reply, took notice of what had fallen from Sir Benjamin Hammet, and expreſſed ſome degree of ſurpriſe at his having ſtated, that he had conſulted a legal authority of ſuch eminence and deſerved reſpect,

as he had quoted. He declared, it was the more extraordinary that ſuch an authority ſhould have ſignified any thing like an approbation of the bill, when in point of fact, there was ſcarcely a man in Weſtminſter Hall who had not reprobated the bill as dangerous to a degree, and blamed him perſonally for not having reſiſted it in the firſt inſtance. The worthy Alderman ſeemed to limit his defence of the bill ſolely to bankers and traders, whereas, if the principle were admitted with reſpect to them, it muſt neceſſarily extend to every deſcription of men. There was not one gentleman in that Houſe, who as far as money concerns went, was not occaſionally a merchant. They all at times drew bills of Exchange, accepted bills, and paſſed them, and therefore what referred to a greater ſecurity from bankers, might refer to them. With regard to what Sir Benjamin had ſaid, of the private eſtates of bankers being an additional ſecurity to their creditors, they all knew that no man who kept money at a banker's thought of aſking the banker to ſhew him his private deeds, or the writings of his eſtate. They reſted their ſecurity on other conſiderations, on the known honour of the Houſe, and on the eſtabliſhed credit of the banking ſhop. Bankers, the Attorney General ſaid, were but as a handful of men, one of the number of thoſe who were ſubject to the bankrupt laws. They were but few compared to other traders, though of late, he owned, they had increaſed much more than he could have wiſhed. The queſtion was then put, and the amendment carried.

The order of the day having been read for the Houſe to reſolve itſelf into a Committee on the Weſtminſter Police bill, the Speaker left the chair, and Mr. Minchin took his ſeat at the table.

Mr. BAKER began by a preliminary objection to the bill, on the ground of the additional patronage it would give the Crown, and contended, that it was the duty of Government to appoint fit perſons to diſcharge the office of Juſtices of the Peace for Weſtminſter and the diſtricts to which the bill extended.

Mr. BURTON entered into a full juſtification of the bill, the object of which, he ſaid, was to provide a ſet of gentlemen of character and abilities, to take upon themſelves the office of Magiſtracy, and to be paid for their trouble by fixed

and known ſalaries. He ſtated, that all Juſtices of the Peace, throughout the kingdom, were in fact at preſent appointed by the Crown, although it was uſual to compliment the Lord Lieutenants of counties with paying attention to their recommendation. It was, he ſaid, well known, that it was difficult to get fit perſons to act as Juſtices in Weſtminſter and its environs, and that thence aroſe the number of trading Juſtices, as they were called, at the offices of whom, great abuſes, to the oppreſſion, injury, and inconvenience of the ſubject, were practiſed. Under the preſent bill, it was hoped, that the police of Weſtminſter would be improved, and juſtice be more equally and fairly diſtributed and adminiſtered than it was at preſent.

Mr. BOUVERIE did not reliſh the idea of having Juſtices, who were paid for their ſervices, removeable at the will of the Crown, and therefore ſuggeſted the idea of putting them on the ſame footing with the Judges, and letting them remain in office, *quamdiu ſe bene geſſerint.*

Mr. BURTON ſaid, he meant to limit the duration of his bill to three years only, and therefore he thought the honourable gentleman's ſuggeſtion unfit to be adopted.

Mr. Secretary DUNDAS ſaid, the reaſon which induced him cordially to ſupport the bill, was, becauſe it enabled the executive Government to appoint a ſet of Juſtices, for whoſe conduct Government itſelf would be reſponſible. The police of Weſtminſter at preſent was miſerably defective, and the reaſon was, there was no reſponſibility. There did not, he declared, paſs a week, ſcarcely a day, without his receiving letters of complaint upon the ſubject; and it was perfectly well known that he had no means of remedying any complaint whatſoever. He therefore heartily wiſhed that it ſhould not be in the power of any Secretary of State in future to give ſuch an anſwer, but that he ſhould be reſponſible for the conduct of ſuch Juſtices as ſhould be appointed under the powers of the preſent bill. As the caſe now ſtood, every body knew, that if any urgent occaſion for the aſſiſtance of a Juſtice of the Peace offered, they could not go to the next office, but were obliged to ſelect ſome particular Magiſtrate, and to reward him extraordinarily in order to encourage him to act with firmneſs and vigour; it would be extremely hard if they left Government ex-

pofed to the cenfure of neglect in this particular, and would not give them the means of doing their duty. He therefore hoped, the Houfe would in candour and fairnefs permit the experiment, which the bill propofed, to be put to the proof.

Mr. Hawkins Browne, Mr. Cawthorne, Lord Carysfort, Mr. Mainwaring, and various other gentlemen, delivered their fentiments, till at length it was agreed, that the Chairman fhould report progrefs, in order to afford Mr. Mainwaring an opportunity of introducing a fet of refolutions, which he wifhed to be made a part of the bill.

The Houfe adjourned.

Friday, 4th May.

Sir CHARLES BUNBURY moved, "That there be laid "before this Houfe, copies or extracts of letters from Gover-"nor Phillip, or any other officer, giving an account of the "nature and fertility of the land in and adjoining to any fet-"tlement in New South Wales, and of the probability there "is of raifing any, and what provifions thereon, and of the "behaviour and employment of the convicts fent there, and "which have been received fince the laft accounts were before "this Houfe."

Mr. Secretary DUNDAS feconded the motion, and expreffed his obligation to the honourable Baronet, for having moved the production of papers, which would at once deftroy the many calumnies and lies which had been fo induftrioufly propagated in the laft fortnight, though for what purpofe he could not conceive, againft a colony which promifed to be highly beneficial, and of confiderable importance, to this country.

The Houfe adjourned.

Monday, 7th May.

Mr. TAYLOR moved, "That the petition prefented by "the Grand Jury of Middlefex, complaining of the evils "which attend the drawing of a State lottery, might be refer-"red to a Committee appointed to inquire into the effect of the "State lottery." Ordered.

The Houfe adjourned.

Tuesday, 8th May.

The LORD ADVOCATE OF SCOTLAND gave notice that he should, in a few days, move for leave to bring in a bill for regulating the mode of accounting in the Royal burghs of Scotland.

Mr. FOX observed, that his honourable friend (Mr. Sheridan) was unavoidably absent, and could not possibly attend his duty in Parliament until the beginning of next week. He wished the discussion of this subject to take place in his hearing. He had good reason to believe that what the learned Lord now gave notice of would fall very far short of what Mr. Sheridan intended to bring forward, and certainly very short of what he himself felt to be the justice of the case with regard to the Royal burghs. Grievances had been stated to exist, and which he believed to exist, if not in so great a degree as had been stated, much farther than the admission of the learned Lord, on a former debate on this subject. It appeared, therefore, to him, that the only mode which the House could adopt, consistent with the least appearance of regularity, would be, first to ascertain precisely what grievances do exist, and what grievances do not exist, and then to begin to apply the remedy; but the present mode was nothing more than a partial remedy to a partial grievance; and, perhaps, inadequate to its own end.—However, the learned Lord would use his own discretion upon this subject. This step could not possibly preclude his honourable friend (Mr. Sheridan) from bringing forward afterwards whatever might appear to him to be proper upon the subject.

Mr. Fox moved, "That the petition from the electors of "Westminster, praying an inquiry into the reported interfe-"rence of persons high in office in the election for West-"minster, and into the alledged abuse of the Excise and Lot-"tery laws, by a remission of penalties, &c. be read."

It was accordingly read by the clerk, and signed by upwards of one thousand of the electors of the city of Westminster. It stated the circumstances of the case, as it appeared against Mr. Rose in a trial between him and Mr. Smith, the publican, in Westminster, before Lord Kenyon, and a special jury, in the Court of King's Bench; the abuses of the Excise fine; the

suffering a person of the name of Hoskins to avoid the penalty of the Lottery, and get out of prison on sham bail, on undertaking to poll sixty persons for Lord Hood; the part which Mr. Rose was said to have taken in this business;—the whole, in the opinion of the petitioners, totally subversive of the rights of election, &c., &c., praying that an inquiry might be had, and such steps taken, as to the justice of the House might seem meet.

Mr. Fox said, he should apprise the House, as concisely as he could, of the points on which he should submit the matter of the petition to them. It appeared to him that this question was in many views a very important one. First, it was important that the people of this country should feel a general satisfaction with respect to the execution of the laws, particularly of laws which, to say the least of them, were in themselves hostile and oppressive, and their institution defensible only on the public principle of state necessity and safety. Secondly, it was important that the people should feel and be convinced that their representatives conduct themselves as they ought to do; especially that they took care to prevent the abuses of the law. And as to the abuses of the law, this was not the time for him to enter general observations on the laws of Excise; it was enough for him to say, that he had opposed their extension with as much, and as uniform, zeal and ardor, as the House had lately thought it fitting and proper. With respect to the other part of the law alluded to in the petition, the Lottery, he should only say, that this also was not a very popular one, and therefore the less fit to admit of abuse. The Lottery, like the Excise, was a measure arising out of State necessity, and therefore the Public had a right to expect that the officers of the Crown would never suffer abuses to take place in it; and that whatever regulations were made to prevent the mischief, which would otherwise attend a lottery, should be punctually enforced. In this view of the case, it became highly material for the people of this country to have reason to think that this law, which became so necessary for the produce of the revenue, was faithfully applied to that purpose, and not for any unfair practices of election influence and corruption.

It appeared, he said, on the face of the petition just read to the House, that there were the strongest grounds of suspecting

the Secretary to the Treafury, to have made ufe of this law for election influence and corruption. He fhould not blame interfering in the capacity of private individuals at an election; but when perfons interfered openly in the character of fervants of the Government of this country, it was monftrous, and what the people fhould not fuffer. It appeared alfo, that while Mr. Smith, the publican, acted for the fervants of Government at the election, the penalty of the excife, of which he had been convicted, was not levied; but when he changed that character of fervice into a claimant of a fum of money for his trouble, the penalty was levied on him. Were thefe mere affertions? Did the Houfe require evidence of them? There was evidence, and that of the very beft kind, the record of a Court of Juftice. There was farther, and collateral evidence. An honourable Member of that Houfe, who reprefented the town of Liverpool, had given fome information on the fubject; he had given fome account of fome correfpondence between Mr. Smith the publican and the honourable Secretary to the Treafury, therefore the Houfe had enough, if they wifhed to confult evidence upon the fubject, before they came to a vote for inquiry into the whole cafe. But he had much more than this to urge. This was the conduct of Mr. Rofe himfelf.— When accufed on a former day, of thefe difhonourable practices, he rofe, for the purpofe, as he faid, of giving a complete account of the whole bufinefs, fuch as to fatisfy every man in the Houfe, that there was not the leaft colour or pretence for charging him with any of the practices imputed to him. How did he do this, firft he denied the truth of the charge, and then faid he had refuted it, confequently that there was no ground for inquiry. As a fpecimen of his accuracy, he was proved in the firft and moft material part to be totally miftaken. He faid, with regard to the publican's petition, that praying the excife fine might not be levied, that he did in that cafe what he always did in every other of that nature, and nothing more, tranfmitted it to the commiffioners; this was quite fhort of the fact; and when he was told—" You yourfelf are accufed befides of fending a letter to two gentlemen of the excife, Mr. Vivian and another, and you have promoted a meeting between them and Mr. Smith, at the very time when this fine hung over his head, and the meeting actually took place—and that

too at your own houſe." "Oh yes, ſaid he, I recollect there "was ſomething of a meeting—I kept horſes with Smith," &c. That this meeting—at this time—in this place—between thoſe parties—under theſe circumſtances—might poſſibly be an innocent one, was what ſome very charitable man might be induced to hope; but when we know that he had interfered on a former occaſion in this very buſineſs, and in others, and that it was ſo proved in a Court of Juſtice, the argument in this inſtance might be very much againſt him. But he would ſuppoſe, for the ſake of argument, that although theſe things made the deepeſt impreſſion upon him, they had no weight with others. He would then ſay, none but a guilty man would ſhun an inquiry. An honeſt man would wiſh for and demand an inquiry, when once accuſed. The more particularly ſo, when it was on a ſubject connected with Government. Indeed, he believed, there was no inſtance whatever on the journals of Parliament, where, in a caſe like this, an inquiry was refuſed. He remembered, he ſaid, an inquiry having been called for in that Houſe by Mr. Shove, and afterwards, inſtead of being ſhunned, was ſolicited by a relation of his, and was boldly met. Why? Becauſe it was known that nothing could be proved upon the ſubject. Juſt ſo. Here the caſe was reverſed. An inquiry was refuſed, becauſe every thing may be proved upon the ſubject. There were other inſtances of inquiries in the courſe of the ſhort time he had the honour to take part in the adminiſtration of this country, and all he could ſay was, that he was happy none of them were ſhunned or refuſed; he was glad they had acted as they had done.

The next buſineſs upon this petition was that of the lottery, and which was ſtated, and offered to be proved, in point of fact it was proved, that a perſon of the name of Hoſkins had been charged with a penalty under the lottery act, and was in conſequence of it a priſoner—that he applied to a perſon high in office for his diſcharge, ſtipulating that if his requeſt was complied with, he would poll ſixty votes for Lord Hood at the Weſtminſter election—that the perſon to whom this offer was made did not think himſelf at liberty to conclude the bargain, but applied to the higheſt authority; this higheſt authority aſſented to the propoſal, and this priſoner was accordingly diſcharged, through the medium of ſham bail procured for that purpoſe. But the anſwer to this was—You do not name this

high authority. His anſwer again to this was a plain one—He did not name him becauſe he did not know who he was—but this much was clear, that the whole of the bill for this buſineſs was paid by one of the Lords of the Admiralty. All that he could add on it was, that there was ample ground for inquiry, even in this year of oppoſition to inquiry; a year in which there had been more reſiſtance to fair and candid inquiry than in any other two ſeſſions of Parliament whatever. The old ground of objecton was, that there ſhould be no inquiry unleſs there was an aſſurance that ſomething material ſhould be proved.—He would pledge his exiſtence upon the proof. It was proved that John Hoſkins was diſcharged upon ſham bail, on his undertaking to poll ſixty votes for Lord Hood. It was proved, that this very tranſaction was paid for by Lord Hood in this very ſeſſion of Parliament There was written evidence upon this very ſubject. With regard to the connection of Government with this ſubject, had we not heard of compromiſes of various kinds, made between Lord Hood and his Solicitor, upon an action brought upon his Solicitor's bill; and had not Lord Hood undertaken to pay that Solicitor a large ſum of money, for his ſervices in the Weſtminſter election, provided he would give up certain papers, and that one of theſe very papers was of the hand writing of His Majeſty's Chancellor of the Exchequer, upon the ſubject of the Weſtminſter election? He inferred from this paper, that the Solicitor of Lord Hood was in connection with the Chancellor of the Exchequer, and that he uſed his intereſt at the Weſtminſter election. He had a right to uſe his perſonal intereſt at any election, and there might be no harm in his correſponding with the Solicitor of his friend; but the exiſtence of ſuch an intercourſe gave a good deal of weight to an aſſertion, that ſuch a Solicitor muſt ſuppoſe himſelf acting under ſomething more than the bare and perſonal authority of an individual upon the ſubject. He therefore thought, that for the ſake of decency it was right, that the public might ſee that the laws which operate ſo harſhly, were made for the good of the public revenue, and that they ſhould know that theſe laws have not been abuſed for the purpoſes of corruption; or, that if they have, the Houſe of Commons were determined to puniſh, and not to ſcreen the perſons who are guilty. That Houſe was, or ought to be, the repreſentative

body of the people of England—as ſuch, they ought to take all things relative to elections under their conſideration. That Houſe had often been called the Grand Judicature to regulate elections. They had always acted in that character. They were called the guardians and protectors of their own privileges. They had frequently taken up matters relative to election, and decided them. They had disfranchiſed the people of Shoreham. They had committed people to Newgate upon proof of corruption at election. Should it be ſaid that corruption at election was a guilt for which the vulgar only ſhould be puniſhed, and which the great may employ with impunity at pleaſure? Should we ſay that the low order of ſociety, naturally more open to temptation, ſhall be puniſhed with ſeverity, for an act which was totally to be overlooked in their ſuperiors? he hoped and truſted the Houſe of Commons would not ſay ſo. It was true that this buſineſs had been once decided; and he admitted, that there was not much new ground to-day. But without ſaying much of that deciſion, he would juſt obſerve, that it was an inſtance which, from its peculiar nature, he ſhould chuſe in preference almoſt to any other, if it were his wiſh to calumniate the preſent adminiſtration, and to indulge the ſpleen of party feeling. The truth was, he ſought no ſuch advantage; he took this point up on a much broader and more liberal principle. There ſtill were thoſe in this country, who thought it eſſential to the ſafety of it, that there ſhould be a Houſe of Commons who did their duty to the Public; that ſentiment alone would have made him wiſh to bring this ſubject again before the Houſe for their deliberation, and thoſe whom he had the honour to repreſent had thought it worth their while to inſtruct him with their ſenſe on this ſubject. He now gave the Houſe of Commons an opportunity to reviſe their judgement, and, if poſſible, to regain their credit. He thought an inquiry neceſſary, for the honour of the Houſe, and the ſatisfaction of the public. He therefore moved, "That this petition be referred to the conſideration "of a Committee, and that they do examine into the matter "thereof, and report the ſame, as it ſhall appear to them, to "the Houſe."

Mr. GASCOYNE begged to obſerve, that what he was accuſed of originally was no crime. He had only ſaid, that he

had taken a petition from George Smith, and delivered it. He did not wiſh any thing to reſt on the difference of character or ſituation. Smith had ſtated that the petition was delivered, and that the Secretary to the Treaſury had ſaid, in anſwer, he ſhould obtain redreſs; whereas the anſwer was, that it ſhould be referred to the commiſſioners to examine.

Mr. FOX ſaid, that he did not accuſe the honourable gentleman of any thing; the impreſſion he wiſhed to make on the Houſe was, that Smith had given one account of the fine in queſtion; the honourable gentleman had given another; this proved that the thing itſelf had a foundation, and that therefore the Houſe were called upon to inquire. He had no doubt whatever, the honourable gentleman did not wiſh the Houſe to proceed on the diſtinction in the rank, character, and ſtation, of the parties.

The queſtion was then put on Mr. Fox's motion—a pauſe of a few ſeconds took place—

The Houſe divided.

For the motion, 34; Againſt it, 81.

The Houſe adjourned.

Wedneſday, 9th May.

On reading the order of the day for the ſecond reading of the Southampton poor bill,

Mr. M. A. TAYLOR moved, that inſtead of the word "Now," the words "This day three months" be inſerted. This amendment was carried without a diviſion.

The Committee on the Newfoundland Judicature bill was poſtponed to Friday next.

The other orders of the day were deferred.

The Houſe adjourned.

Thurſday, 10th May.

Mr. Pearſon from the cuſtoms attending, was called in and delivered,

An account of the number of ſlaves imported, &c. The title was read, and the account ordered to lie on the table.

The Houſe adjourned.

Friday, 11th May.

Mr. GREY obſerved that he had attended cloſely to the ſubject on which the Committee appointed to inquire into the practice and effect of impriſonment for debt had made their report, and which was printed for the uſe of the Members of that Houſe. He was willing to acknowledge, that he was not yet ready to bring forward a plan, ſo that he muſt defer the farther conſideration of the ſubject in that Houſe to another ſeſſion. However, he had reaſon to believe, that a noble Lord in another Houſe had ſomething to propoſe for the alleviation of the ſufferings of thoſe who are already in confinement for debt. He ſhould therefore move a general reſolution on this ſubject, as a pledge to the Public, that the conſideration of it was not abandoned. He then moved, "That this Houſe "will, early in the next ſeſſion of Parliament, take into con-"ſideration the matter in the ſaid report." This reſolution was agreed to.

Mr. Grey obſerved, that as the Miniſter ſtood pledged to give the Houſe ſome information on this ſubject, he wiſhed to know whether he was now poſſeſſed of the definitive treaty between Ruſſia and the Porte? And if he was, whether he intended to lay it before the Houſe?

Mr. Chancellor PITT ſaid, that certainly Miniſters were in poſſeſſion of the definitive treaty between Ruſſia and the Porte, and aſked whether the honourable Member meant to make any motion.

Mr. GREY ſaid, that he ſhould have a motion to make upon this affair, and named Monday for that purpoſe.

Mr. FOX then called the attention of the Houſe to the buſineſs of which he had given notice, relative to penal ſtatutes, upon points of religion. He ſaid, he had the ſatisfaction to hope, that the mode in which he ſhould propoſe to diſcuſs this ſubject could not fairly be ſaid to involve conſiderations of Government, as had been alledged on former occaſions, with regard to ſome topics which he had brought forward. The meaſure which he ſhould recommend on this occaſion was not, in his opinion, fit only in a country where the conſtitution was free, but ſuch as he ſhould recommend even in a ſtate where

the government was despotic, because it was founded on justice, and was perfectly safe in policy. If then he should have little doubt of the propriety of the measure, even were the appeal made to a despotic Prince; how much more confidence should he have of success, where the application was made to a British Parliament. From a constitution so good, good fruits were to be expected. The subject he meant to bring forward, was one on which much had been written, and with regard to which, abstractedly considered, almost all mankind agreed, this was toleration—all agreed that toleration was in itself abstractedly just. But difficulties had arisen in the minds of some persons, though in his own there never had; these difficulties had arisen as to the application of the principles of toleration. Much of this difficulty was thrown in his way when he moved for the repeal of the Test and Corporation acts. He appealed to those who opposed him at that time, whether they did not do so upon the ground he had stated. They alledged that though toleration itself abstractedly was a matter of justice, yet to extend it at that time, under the then existing circumstances, to the persons on whose behalf he urged it, was politically unsafe. He was now therefore ready to confess, although he lamented the necessity of it, that for the present he had abandoned the idea of a repeal of the Corporation and Test acts.—He should, however, not fail to renew that application whenever he should have the least encouragement or prospect of success. It had been said by some persons, that although toleration was of itself abstractedly matter of justice, yet, that in political speculation it should never be allowed to intrench upon, or endanger existing establishments. The converse of this appeared to him to be true policy, and that no defence of any establishment whatever should be built on principles repugnant to toleration. Toleration was not to be regarded as a thing convenient and useful to a state, but a thing in itself essentially right and just. He, therefore, laid it down as his principle, that those who lived in a state where there was an establishment of religion, could fairly be bound only by that part of the establishment which was consistent with the pure principles of toleration. What were those principles? On what were they founded? On the fundamental, unalienable Rights of Man! It was true there were some rights which man should give up

for the fake of fecuring others in a ftate of fociety. But it was true alfo that he fhould give up but a portion of his natural rights in order that he might have a government for protection of the remainder. But to call on man to give up his religious rights, was to call him to do that which was impoffible; he would fay that no State could compel it—no State ought to require it, becaufe it was not in the power of man to comply with that requifition.

But there were thofe who faid, although a man could not help his opinions, yet that, unlefs under certain eftrictions, they ought not to be made public; for that whatever rights a man naturally had, he gave them all up when he came into fociety, and that therefore religious liberty, among the reft, muft be modified for the good of fociety; fo that by the liberty of man was meant nothing more than that which was convenient to the ftate in which he lived, and under this idea penalties on religion were deemed expedient. This he took to be a radical error, and for the reafon he had affigned already—that it was not in the power of man to furrender his opinion, and therefore the fociety which demanded him to make this facrifice, demanded an impoffibility. What then did this lead to—that no man fhould be deprived of any part of his liberty, with refpect to his opinions, unlefs his actions derived from fuch opinions were clearly prejudicial to the State. There were three different fituations in which a man might be placed in regard to religion—a total indifference to it, as was the cafe with the Pagan world before Chriftianity was known, and alfo with thofe who did not now believe it. Upon this, he referred the Houfe to the Hiftory of the Decline and Fall of the Roman Empire, written by an honourable gentleman, who was once a Member of that Houfe (Mr. Gibbon); he had faid, that perfecution in the Pagans was lefs criminal than in Chriftians, becaufe the Pagans had not the fame doctrines that the Chriftians had to teach them the principles of toleration. Another fituation that diminifhed the cruelty of perfecution, or rather rendered it lefs criminal, was, a ftate of Popery; for thefe deluded perfons, in the time of bigotry, thought, that by perfecuting thofe who differed from them, they were ferving the caufe of truth and juftice; that God had infpired them with the true religion, and that they were ferving him, while they were deftroying their

fellow-beings; although these practices were deplorable, yet as they were the mere effects of ignorance, the principle on which they proceeded diminished the criminality of persecution. The third state was, that in which we now are. The people of the country were neither indifferent about religion, nor were they blindly attached to any particular faith; they were not Pagans, nor Popish bigots. For us there was no excuse for persecution. We know full well that religion was founded on a principle that should not, could not, be subject to any human power. There was a maxim, which was a thousand and a thousand times repeated, and yet by some as often forgotten, although there were not two opinions as to its propriety and justice, "Do as you would be done by." Would the members of the establishment be tried by this maxim—would they submit to be governed by principles which they themselves inculcate; or would they proudly and impiously say that they were sure theirs was the only true religion, and that all who deviated from it, were devoted to eternal torment? In this country we were governed by King, Lords, and Commons. No man would contend, that any of these powers was infallible? Then why should the members of the established church proceed as if they were infallible? for so they did, if they claimed exclusive privileges, and enforced penalties on those who differed from them. Upon what principle was an establishment to be maintained at all? It was upon the principle of its being agreeable to the opinion of the majority of the people, and not surely upon the slightest pretence of infallibility. What should the Members of the establishment say to those who differed from them, "You who differ from, as well as you who agree with us, are equal in rights, and have an equal title to enjoyments. We are neither pagans nor papists, we have learned to do as we would be done by; if we were to persecute you for your opinions, we should, for aught we know to the contrary, be persecuting truth instead of falsehood; come then, let us each enjoy the freedom of our own mind, and equally participate all social enjoyments." Persecution was a word so odious, and toleration a word so generally embraced, that two opinions were not entertained on either; and yet, strange to tell, much difference arose upon the application of them. The question then seemed first to be what really was

to be underſtood by toleration. He thought that in defining this word, and conveying the ideas which he annexed to it, he ought to go much farther than proving that it meant the total abſence of perſecution—and that to refuſe to any man any civil right, and an equal participation of civil advantage, on account of his religious opinions, was in itſelf perſecution.

On theſe general principles, he truſted that it was not neceſſary to dilate farther. The queſtion now was, what was, and what was not, toleration. In his own opinion, he declared, toleration ought to go beyond abſtinence from perſecution; but on his own opinion alone, he did not rely. He would quote the ſentiments of a very eminent man (Archdeacon Paley.) He had declared himſelf to be a friend to complete toleration. The learned divine, however, meant more than it was his intention at preſent to propoſe. His motion he confeſſed to be limited. A future and a fitter period might be found to introduce a meaſure whoſe verge would be more ample, more extenſive, and conſequently more complete. Many perſons oppoſed unlimited toleration from an apprehenſion that it might prove injurious to the ſtate. To ſuch he begged leave to ſay, that they ought firſt to be well convinced that it really would produce that effect.

The moſt moderate and the moſt enlightened men in this country, and thoſe too Members of the eſtabliſhment, were friends to general toleration. Indeed, the Chancellor of the Exchequer himſelf laſt year ſtood pledged for ſupporting the principles of general toleration, and had ſaid that it was a matter not of favour, but of right, and that whether it ſhould be granted, was only a queſtion of juſtice. What were the principles of perſecution? A condemnation of a man before he had committed a breach of the law. A principle which compelled us to be in a conſtant ſtate of hypocriſy towards God and man; for it called on thoſe who did not believe in the doctrines of the Church of England to give a conſtant attendance at divine ſervice, and ſubſcribe to the ceremonies of the Church. This was commanding hypocriſy by authority. It was ordaining by law that a man ſhall purſue that form of religion here which in his mind is to inſure his eternal damnation hereafter. By this we ſaid to a father, you ſhall not teach your

ſon that religion which in your ſoul you believe is to ſecure his eternal happineſs. You are to chuſe, either to teach him no religion at all, or teach him that by which you believe he will be damned to eternity. This was the true ſpirit of perſecution, and was it the fact? Moſt unqueſtionably it was the caſe in the law with regard to Catholics. In the opinion of ſome there once was an occaſion for theſe ſtatutes—in his opinion there never was, nor would they have been adequate to the end propoſed if there had, but now, there was not the ſhadow of excuſe, for it had ceaſed. The moſt dangerous periods, the reigns of Elizabeth and James, did not juſtify even one of the penal ſtatutes that exiſted. If ſuch times, therefore, did not juſtify them, what argument could be uſed for their exiſtence now? Sometimes attempts were made to defend the principle of perſecution, by conſidering it as a mode of preventing the miſchief that might ariſe from a propagation of erroneous religious opinions; it was alledged that it was the buſineſs of a Stateſman to conſider the effect of any religious opinion, and in that view, whatever appeared to him as dangerous to the State, he ought to prevent. The firſt part of this doctrine, namely, that of aſſuming any mode of religion to be wrong, was begging the queſtion; but he muſt proteſt againſt the whole of this mode of argument. We had no right to conſtrue what actions are to follow opinions. We ſhould weigh actions before we pretend to judge of them at all. In order that we ſhould gueſs what actions are likely to follow opinions, we ſhould ourſelves firſt have entertained thoſe opinions; or if we gueſs at all, we ought to gueſs on the favourable ſide.—But there were no commands in the Church which might not ſafely be obeyed; or at leaſt the Church of England was the ſafeguard of the State. Was this the fact? Was it not poſſible for a man to become a very bad citizen, even by implicitly obeying the doctrine of the Church of England itſelf? Moſt unqueſtionably it was; for the Church of England taught us that we were to make no reſiſtance to the commands of the Magiſtrate, although they ſhould be unlawful, or even unnatural; the doctrine was paſſive obedience and non-reſiſtance, and conſequences were to be left to a future ſtate; this was the doctrine of James the ſecond; this, it was true, was not now the law, but it was ſtill the doctrine of the Church, and thus

by being a good Churchman, a perſon might become a bad citizen. What was the reſult of all this? That, as in the eſtabliſhed Church there was ſo much error, that it could not be obeyed totally, without breach of moral obligation, and even of poſitive law, for a man may be puniſhed for obedience to the illegal commands of a legal maſter, it is the eſſence of injuſtice to perſecute any perſon for omitting to conform to this eſtabliſhed religion. The old anſwer, he ſaid, to all theſe arguments was, that the laws are obſolete, and that therefore the hardſhip is ideal. To this he muſt ſay, that what is claimed by the Unitarians and Scocians is nothing more than juſtice; and that there can be no great harm in removing from the ſtatute book, that which we are either afraid or aſhamed to inforce.

Of the doctrines of Arius, Arminius, and Socinus, he did not mean to enter into a diſcuſſion, becauſe he was certain they did not in the ſmalleſt degree affect the ſtate. It was not therefore the duty of the Legiſlature to interfere. The perſons for whom he now interceded were Unitarians, ſome following the doctrines of Arius, others of Socinus. They intreated of the Houſe not to eſtabliſh them, but to relieve them from ſtatutes of pain and puniſhment. If theſe ſtatutes were too bad to be put in practice, they ought not to be ſuffered to exiſt.

An aſſertion had gone forth, of the exiſtence of a party who wiſhed to overturn the conſtitution. In order to counteract any ſuch intentions, it ought to be the care of the Houſe to baniſh all thoſe imperfections which tended to diſgrace and to injure the beautiful fabric. If a ſtranger wiſhed to learn the conſtitution of Great Britain, he would ſeek for it in her laws. What would he ſay, when he diſcovered that the ſtatutes of Elizabeth againſt Catholics, and of William againſt Unitarians, were ſtill ſuffered to exiſt? Would he be ſatisfied with the information, that they were never uſed. No—He would contend, that if they were not uſed they ought to be repealed. Still, however, even the non-execution of them produced the worſt effects, inſomuch as it tended to divide the people, and to afford ſome ground for the invectives of biggoted Churchmen.

Preceding the year 1641, four perſons profeſſing Unitarian doctrines had been burnt. Subſequent to that period lived Mr. Peeble, who was conſidered as the founder of Unitarianiſm;

he suffered persecution for his religious opinions from Cromwell and Charles the Second, and though his character was unexceptionable, the persecution against him did not in the smallest degree relax. But though the Unitarians were not now persecuted by the Legislature, they were in a manner under the lash of Divines of the established Church.

Dr. South, in speaking of them, had traced their pedigree from wretch to wretch, back to the devil himself. These descendants of the devil were his clients. This was the language of former days; more modern times had produced greater moderation; still, however, invective had not ceased. Dr. Halifax, speaking of Dr. Priestley, had said, that now he had stated his opinions, he had completed his crimes. Thus a declaration of an opinion had been gravely asserted to be criminal. Posterior to Dr. Halifax, the late Dr. Horsley had contended, that even the moral good of the Unitarians was sin; and however they served God, loved their kindred, and relieved the distressed, they were sinful because they were heretics.

To tell men in this situation that they were not persecuted, was to offer others the grossest of all insults. Adverting to recent events, would any man assert, that the Birmingham riots were not the effect of religious bigotry and persecution? Some had maintained that the people revolted not against Dr. Priestley's religion, but his political opinions. Granted, for the sake of argument; but could the publication of his sentiments be more imprudent than those of a member of the Church of England? This, therefore, he maintained to be an argument in proof of the existence of persecution against the Unitarians, insomuch as the same mode of conduct adopted by two men had produced opposite effects, merely on account of the difference of their religious attachments. Having completed the statement, little more remained for him to do than to state the particular acts which he wished to be repealed.

It had been observed by some, and perhaps would be advanced to-night, that as far as regards the Catholics at least, persecution was at an end, from the bill which passed lately in their favour; but here it should be remembered, that a certain oath was required to be taken; to this oath he believed there was no objection amongst any of the Catholics; but were gentlemen aware, that among the poorer sort, many, from neg-

ligence and from economy, for ſome of them muſt travel a conſiderable diſtance before they come to a Magiſtrate, would omit the taking of this oath; the conſequence, is, that themſelves and poſterity are liable to all the penalties and diſabilities of the ancient ſtatutes. He then expoſed the abſurdity of continuing theſe laws after all pretext for them was at an end. He believed that if the Houſe were to ſpeak out fairly, there would be leſs objection, on conſtitutional ſentiments, to admitting Catholics into it than admitting Diſſenters. He objected to neither; but he believed that thoſe who did object, feared more the principles of Diſſenters who had, than thoſe of the Catholics who had not, the right of ſitting in that Houſe; the one claſs were ſuppoſed to be republicans, the others were diſtinguiſhed for an attachment to monarchy. The truth was, that there was no juſt or rational objection to either, and the effect of excluſion was hurtful to the community; for a man's virtue and abilities were the objects we ought to look to; his attachment to the welfare of the country, and not his ſpeculative opinion upon religion, ought to entitle him to a ſeat in that Houſe, or in any other office that might be ſerviceable to the State. Indeed, all theſe abſurd, as well as unjuſt prohibitory ſtatutes, were very deſtructive to the public welfare; and here he could not help taking notice alſo of the Marriage act—an act to which he was radically ſo much an enemy, that he ſhould, whenever he had the leaſt encouragement, make a third attempt to obtain its repeal. He had made two, and had ſucceeded in that Houſe, but had always been thwarted in the Houſe of Lords; the day, he hoped, would arrive, when he ſhould have better fortune with their Lordſhips. The Marriage act it was his wiſh to alter in that part which provided an exemption only for Jews and Quakers. The neceſſity of a more ample exemption he proved from the caſe of two women confined in Nottingham jail, for non-compliance with the proviſions of the Marriage act. In ſhort, he declared it to be his wiſh to extirpate hereſy by the old method of fire, not however by burning victims, but by burning the various noxious acts. He obſerved, it was with reluctance he gave up the repeal of the Teſt and Corporation acts; he did ſo in compliance with what he muſt take the liberty of calling the prejudice and groundleſs timidity of that Houſe; and as he could not at once gain com-

plete juftice, he would take it by piecemeal as well as he could. He muft, by the way, be allowed to obferve, that he was fully perfuaded, nor had he ever heard any thing that fhook his opinion, that the Teft and Corporation acts proceeded from the very effence of perfecution and injuftice.

He might be afked, whether he would leave any punifhment whatever for the publication of ribaldry, or ridicule? To this there was no anfwer neceffary, as there was no law againft it which he fhould propofe to alter. The laws he meant, were againft the publication of advifed fpeaking: advifed fpeaking, was folemn fpeaking; it was what a parent faid to his child—it was what his confcience taught him to be truth. Mr. Fox concluded with intreating the Houfe to reflect on the injuftice of preventing any man from interpreting the fcripture in his own way—on the barbarous, inhuman cruelty of faying to a man, "Read the fcripture, ftudy it, make it the guide and rule of your action and opinion; but take care you interpret it as the profeffors of the Church of England do, or elfe you fhall be deprived of all the enjoyments which belong to a man in a focial ftate. Read attentively, and underftand clearly the whole of the fcripture; but take care, in underftanding it, you underftand exactly as we do, or elfe you fhall lofe all the benefits of a member of fociety, every thing that is dear and valuable to you." This was more unjuft than even the practice of the ancient Catholics, praying in an unknown tongue, and refufing to the profeffors of the Chriftian religion, a perufal of the book on which Chriftianity was founded. The Church of Rome directed us to obey the precepts of a mild religion, which tended to make us good citizens without reading. The Church of England compelled us to read, but forbade us to judge. He fhould now move for the repeal of many of thofe ftatutes.—— Many more remained, he had no doubt, and would hereafter be repealed. The reafon why he preferred this mode to that of bringing forward any particular enacting law, was, that in making a new law, we knew not what would be the effect, but in repealing a bad law, we knew we did nothing more than juftice. He then moved, firft, "That the different ftatutes "of the 9th and 10th of King William, entitled, An act for "the more effectual fuppreffing of blafphemy and profanenefs, "the 1ft of Edw. VI. chap. 1.; the 1ft of Queen Mary, chap.

"3; the 14th and 15th of Elizabeth, &c., &c., &c.," be read, which being done, *pro forma*,

He then moved, "That leave be given to bring in a bill to "repeal and alter ſundry proviſions in the ſaid acts."

Mr. BURKE contended that the queſtion was now no longer a theological queſtion, but from the comprehenſive manner in which the ſubject had been treated by Mr. Fox, it became a queſtion of Legiſlative prudence upon a point of policy; and he could not help congratulating the Houſe and the public on the manner in which the ſubject was brought forward. It was claimed as a matter of juſtice, and not called for as the effect of any of the new and falſe lights of the day which had lately made their appearance, and would ſoon again diſappear. He truſted that theſe lights and the principles which followed them, would be alike rejected in this country, and every thing that bore any reſemblance to them, would be rejected, becauſe to reject them would be the ſober duty of every Member of that Houſe, and what wiſdom directed for the freedom of the State; ſtripping the queſtion, therefore of its theological veſtment, he ſhould take it up as a queſtion of policy and prudence, and in that view he confeſſed he did not ſee that ſufficient reaſons had been urged for the repeal of thoſe ſtatutes, and he therefore wiſhed to have it well underſtood in the Houſe, that upon the grounds he ſpoke—prudence and policy—nothing yet had been ſaid.

The queſtion he ſtated to be, whether the Houſe ſhould go into a Committee for the purpoſe of examining the laws that had been enumerated. Before he delivered his opinion on the policy and prudence of the motion, he could not but congratulate the Houſe on the delicacy uſed by Mr. Fox in matters of religion. Not one word had dropt from him irreligious, or even indifferent. Another cauſe of ſatisfaction to him, was deduced from the diſcovery that the Houſe was untainted and uncorrupted by thoſe falſe principles which had been ſo amply circulated without doors.

Alluding now to the policy and prudence of the motion, he confeſſed that he had heard no arguments why the 9th and 10th of William ought at preſent to be repealed. As to the right of man, on which the right honourable mover had laid ſome ſtreſs, he muſt be under the neceſſity of differing from him

completely. What were the rights of man previous to his entering into a ſtate of ſociety? Whether they were paramount to, or inferior to ſocial rights, he neither knew nor cared.—Man he had found in ſociety, and that man he looked at—he knew nothing of any other man—nor could he argue on any of his rights. As to abſtract rights of all kinds, he thought they were incorporeal, and unfit for the body, and might be diſcuſſed in ſome other ſtate; but they were totally unfit for this life, and conſequently could not be fit for argument.

Theſe abſtract ideas were too airy diet, and ill ſuited the mixed conſtitution of men, which was compoſed of ſpeculation and practice, of mind and body. He blamed Mr. Fox for collecting ſuch multifarious matter, ſuch different meaſures only by an abſtract principle of toleration.

Of toleration and of perſecution the Houſe had never yet given a decided opinion. It had always acted from circumſtances and the preſſure of events—when it relieved a Quaker, it relieved a Quaker—when it alleviated the condition of a Catholic, it looked only to a Catholic.—It never purged to the right and bled to the left at once.

In the preſent period, all diſcuſſions between the Church and State had ceaſed, like a volcano burnt out, or like Veſuvius when Strabo ſaw it. Here ſtood the friendly Olive—there the cheering Vine—on this ſpot the ſupporting Corn.

Of the Unitarians he knew nothing; they came, however, in ſuch a queſtionable ſhape, that he conceived he had a right to aſk them whether they brought airs from Heaven or blaſts from Hell? Or whether their advent was wicked or charitable? The queſtion now therefore was, whether we had ſufficient reaſon to repeal thoſe acts at this time. Upon this point he was of opinion, that the ſubject, as opened by Mr. Fox, did not depend upon the principles of toleration; putting that conſideration alſo, as well as the theological part of the ſubject, out of the queſtion, he ſhould look at the petition of the Unitarians, as it now appeared before the Houſe. The petition was againſt the general principles of the Chriſtian religion, as connected with the State. It went to diſmember the Chriſtian commonwealth. By a Chriſtian commonwealth there was eſtabliſhed no alliance, as had often been erroneouſly ſtated, between Church and State. Church and State were

"one and the same, and in order to see whether this petition agreed with that principle, the better way would be to look at the professions of the Unitarians. He had often heard that we were not always to believe the man who professed to be our friend, but the devil was in it, if we did not believe him, when he professed to be our enemy. The Unitarians were the enemies, the avowed enemies of the Church; they had lately accused themselves of a disgraceful timidity with respect to the concealment of their sentiments, and now they were to atone for that timidity by an extraordinary boldness. They had avowed their hostility to the Church. They had confessed their determination to propagate their doctrines. They were avowedly a society for the propagation of opinions immediately hostile to our Church—they had incorporated for that purpose—they had published pamphlets with that view—they had raised a large fund to be employed in that service—they had entered into a solemn compact to obtain that end—it was well known that Doctor Priestley was their patriarch. Knowing all these things, the question was, whether persons with those views, wishes, and determinations, should be objects of the special grace and favour of that House. That what he stated of them was true, he would read their publications, as publications issued to the world by themselves, which would be the best answer to the question whether they were proper objects of favour, and whether to grant them indulgences would be at this time prudent or politic.

In order to shew what were the principles of those Unitarians, he would give their own authority, by quoting the toasts given at one of their meetings, which might be considered as articles of faith in all associations and political meetings, both of the present and former days, all of which, fourteen in number, were bumper toasts, and he would not withhold from the House a single bumper, by refusing to read them. He contended that the celebration of the 14th July, and the libels of Thomas Paine, were the causes of the riots at Birmingham, and that they proceeded from political, and not religious prejudices; upon both of those topics he dwelt for a long time, as highly mischievous in themselves, and dangerous in their consequences, because those very people, who were petitioners, had avowed their approbation of the abominable proceedings at

Paris on that day, of horrid perfidy, and unprovoked rebellion; likewife of the doctrine of Paine, and not only approved of them, but as it were recommended them for the imitation of England, to prove that they were connected with the Revolution Society here, and the Club of Jacobins in Paris, and adopted the fame principles to their fulleft extent. He read feveral of their refolutions, and concluded, that fuch people were not fit men for relief or encouragement from their fentiments and connections. He faid, there was no religious liberty in France; but, on the contrary, the greateft perfecution had fubfifted ever fince that dreadful 14th of July, and worfe perfecution than could poffibly take place in this country. He regretted fincerely what had happened at Birmingham, but it was of fome confequence to know, that if we had not laws to prevent fuch outrageous riots, we had law and juftice enough to compenfate the fufferers; this was not the cafe in France. He was fure the right honourable gentleman muft have been impofed upon on that fubject, when he thought thofe riots proceeded from religious prejudices againft the Unitarians, for Dr. Prieftley had preached and written his Unitarian fyftem for 28 years without any moleftation, until he and his followers came forward to celebrate avowedly the 14th of July, and declared their principles to be precifely the fame. Having entered with much heat into a detail of French affairs,

Mr. CATOR fpoke to order, and begged the right honourable Member might be kept to the queftion.

The SPEAKER ftated to the Houfe, that his reafon for allowing the right honourable Member to proceed, arofe from thinking that it was the intention of the right honourable Member to fhew that the opinions and principles of the petitioners were fuch as ought not to be allowed as fufficient ground for granting the prayer of their petition. At the fame time, he begged to fay this much, without giving any opinion at all of his own on the fubject in difcuffion.

Mr. BURKE proceeded, and went into a defcription of almoft every event that has taken place in France fince the revolution, accompanying his obfervations with fevere remarks, and on the proceedings of the National Affembly. He contended, that the fyftem of thofe in this country, who connected

themſelves with ſuch ſociety, and approved or recommended theſe principles for examples to this country, was nothing ſhort of an avowed intention to ſubvert and overturn every eſtabliſhment, political and religious of every kind, and a wiſh to extend that deſtruction to all nations.

Mr. W. SMITH ſaid, he would ſet out with ſtating, that he did not believe the right honourable gentleman would wilfully do or ſay any thing in that Houſe from improper motives; yet he muſt obſerve that throughout the whole of the right honourable gentleman's ſpeech there pervaded a miſrepreſentation and a miſunderſtanding, both on the affairs of France and with reſpect to the Unitarians, of whom he profeſſed himſelf to be one, that he never could paſs unnoticed. He wiſhed to put France entirely out of the queſtion, becauſe he thought it had nothing to do with what was now debating; but there were ſome things which the right honourable gentleman had ſtated about the demolition of the Baſtile, and the proceedings both in the National Aſſembly, and over that kingdom, ſo groſsly miſrepreſented, that he muſt believe the right honourable gentleman to be totally ignorant of the facts; this was not the time to enter upon that topic; and he would therefore proceed to the queſtion, if any queſtion at all could be found, in what had fallen from the right honourable gentleman. He declared his opinions to be completely with the Unitarians in all they had written, and every thing they had circulated, from a thorough conviction, that they were founded on principles of rectitude, juſtice, and honeſty. One word in their declaration ſeemed to give offence, it was the word idolators; but he thought that as others, who thought differently, ſtyled the Unitarian principles to be blaſphemous; it was fair in them to retaliate, and even call their opponents idolators. He contended, that they were a diſtinct ſect, and completely unconnected with the Diſſenters, and all other clubs, aſſociations, or whatever name the right honourable gentleman might give them; when, at the ſame time, he could not in all he had ſaid, produce a ſingle proof. With regard to the toaſts, all of which, except two, he was perfectly ſatisfied with, becauſe even the ingenuity and perverſion of the right honourable gentleman could not point out any one word in them that contained matter of a dangerous or ſeditious tendency towards the conſtitu-

tion of this country; this, however, and a great deal more, had been assured by the right honourable gentleman in his speech: he had assumed, that all who approved of what was done in France on the 14th of July, approved likewise of every abuse and confusion that had since occurred in that country, and not only approved, but wished the people of England to imitate the example; this was an argument against the Unitarians, as uncandid as it was unjust and untrue. He would tell the House what he believed, and knew to be the case, that the Unitrians, and those who signed their petition, were as firm and steady friends to the constitution of this country, as the right honourable gentleman, or any set of men whatever. But when he affirmed this in their favour, it would not surprise him if the right honourable gentleman opposed him, by saying it canot be, for he will quote some resolutions of some other society with whom they have no connection, and assert that as they equally admire the overthrow of despotism in France, they cannot be friends to England, and ought to be still kept under the restraint of those persecuting penal laws which are such a disgrace to our statute book He argued for the repeal of them, upon the principle that when laws are in themselves bad, though few dared to put them in force, yet the possibility of enforcing them ought not to be left to the discretion of bigots. He insisted that the Unitarians were inoffensive men; if they were not, there were laws by which they could and ought to be punished. He ridiculed Mr. Burke's idea of plots. He stated his own interference as a very trifling support to the Unitarians, whom he never would have avowed to connect himself with, had their motives been to subvert the constitution; though any thing he could say for them on this point, was as little to the purpose as the right honourable gentleman's remarks on the constitution of France. On the Birmingham riots, he stated how far the right honourable gentleman was mistaken with regard to Dr. Priestley, who absolutely was not there, and disapproved of celebrating the 14th of July, and yet the property of him and his friends was destroyed, while that of the Chairman of the Meeting, who was not an Unitarian, as well as others present, remained without molestation. It was not on account of himself or the Unitarians that he wished those laws repealed; they had no fears on that score, because

they knew no person in this country would dare to put them in force; they could not be called laws; they were a sort of nondescripts, which only had existence by continuing in lethargy, and if ever there was found an individual infamous enough to rouse them into action, the public mind would repel the attempt, and produce their immediate annihilation. He knew there was not a common informer bad enough for such employment, yet he almost wished for a prosecution of the kind, in order completely to have those laws demolished.

Mr. BURKE said a few words in explanation.

Lord NORTH said, that he was pleased at the mode in which his right honourable friend had opened the business, by confining his motion to the repeal of the 9th and 10th of King William; though it always gave him pain to differ from his right honourable friend, he must have been under that necessity had it been proposed to repeal the Test and Corporation acts; for while the act of settlement remained, and the line of succession from the Princess Sophia was preserved, he never could submit to a repeal of those laws. The request of the petitioners was so reasonable, that he could not see any grounds of opposition to it; all the boon they asked, was not to make them criminal for acting according to their consciences; not to make a crime of deliberate conviction. Toleration was a principle agreed to on all hands; why then begin to refuse it to them who had done nothing to forfeit that privilege? nor was any thing to be feared from them that should render them liable to persecution. If it is admitted that those laws are too bad to be put in execution, can there be a stronger reason for repealing them? Why are they to be maintained?—Upon what principle of expediency, policy, or justice?—The Unitarians were not turbulent, or seditious men; but if they were, have we not the same laws to govern and punish them as others? With regard to the time, that objection had no weight with him: no time could be improper to do justice, or proper to continue injustice; religion was not to be defended by the dead letter of a dead law, as had been said by the right honourable gentleman; and if they meant to act as Christians, let them follow the bare and simple doctrines of Christ. The precept that enjoined to "love your neighbour as yourself," was the criterion of Christianity, and by that standard he had no objection to try all the

laws in the ſtatute book, and to repeal ſuch as were repugnant to it, which he conſidered thoſe in queſtion to be.

Mr. MITFORD condemned the conduct of Dr. Prieſtley and the Unitarians. He was of opinion that no man ought to propagate doctrines in a country where there was an eſtabliſhed religion, that might tend to diſturb the peace of ſociety. He complained, that in the preſent ſtate of the country, where a ferment univerſally prevailed, it was as impolitic to agitate the queſtion, as if a repeal of the penal ſtatutes againſt the Roman Catholics was brought forward during the riots. In fine, he objected againſt the motion; firſt, becauſe the time was improper, as the minds of the people were in a ſtate of ferment; ſecondly, becauſe the extent of the motion was too wide; and laſtly, he objected to the nature and ſubſtance of it, as connected with a general ſyſtem of repealing all penal ſtatutes.

Mr. ADAM contended, that the three grounds of objection, ſtated by his honourable and learned friend, were without the leaſt foundation. With regard to the extent of the motion, the orderly and regular manner in which it was brought forward, obviated that; becauſe, when in a Committee, it could meet with the diſcuſſion it required, which it could not have in a Houſe. As to the nature of it, the honourable gentleman had ſaid, that though repealing thoſe laws would give great ſatisfaction to many, it would give much diſcontent to a far greater number of the people; but this he did not believe. He was ſure the Unitarians had no ſuch opinions as were aſcribed to them, and certainly it was cruel and unjuſt to blame them all in a body for the doctrines of one man who was amongſt them. The Houſe ſeemed to be fond of abuſe of Dr. Prieſtley, but he knew of no ſuch dangerous writings and doctrines as they charged him with. If any ſuch exiſted, had the country ſo little ſpirit as to paſs them over with impunity? had they no laws to guard the conſtitution from ſuch attacks, or no Attorney General to proſecute? He then referred to the petitioners, whom he deſcribed to be very reſpectable, and amongſt the names ſhould point out many, in and out of that Houſe, who entertained directly oppoſite principles, different religious and different political ſyſtems, both with regard to the government and conſtitution of this country and of France. That the time was improper, certainly could not be ſeriouſly urged; if the

House would, for a moment, recollect the great speech so ably delivered by the right honourable gentleman opposite, on opening his budget, they certainly could not have forgotten the impression which his eloquence left on their minds that day, and which must lose much of its brilliancy by any attempt of his to recapitulate the description which was then given of the happy and glorious situation of the country, when its treasury was full, its resources increasing, its expenditure diminishing, and taxes lessened, manufactures flourishing, and industry reaping a secure and ample reward. In short, when the country was in that state of universal prosperity which it had never enjoyed before; was this, then, the time when we were to be told that the people were in a state of ferment, or that it was not fit for us to be doing acts of humanity and justice? With what propriety could the present be pronounced a period improper for reformation? This was a species of logic which he disavowed, but which was directed to the enemies of all toleration and reformation. Upon that particular ground he need add nothing farther; his duty dictated to him the propriety of delivering his sentiments in favour of the motion.

Mr. Chancellor PITT said, he now rose to give his reasons for voting against the motion, which he would do as shortly as possible. If there existed any laws against general toleration, and it was proposed that these should be repealed, in a manner consistent with the safety of the constitution, he certainly would vote for repealing them; but he begged to be understood, his system of toleration would always be regulated by the existing circumstances, and the times to which it was to be applied. Those statutes had stood long, and were thought necessary by our ancestors. No practical evil had ever happened from them yet to any description of men, nor was likely to happen, and danger might accrue from their being repealed upon many occasions; nor would he hesitate to say, that there was just as much reason to be apprehensive of danger now as at any former period. Hitherto it had always been thought wise to observe extreme caution in all matters of religion, and particularly to do nothing that looked like an attack upon the established religion of the country, a policy which ought never to be departed from. He agreed with the noble Lord who had spoken so ably on the Test and Corporation acts. It had been argued, that,

if an act was never put in force, it ought not to exist: he differed from this reasoning, and brought the question to this point, whether repealing those laws, by a continuance of which no practical evil exists on one side, and when evident danger seems to be the consequence on the other, would be wise or politic? He objected to the mode of bringing forward the motion; for the right honourable gentleman confined himself to the 9th and 10th of King William, but had intimated his intention to pursue the general system, until all the statutes inflicting penalties for religious opinions, should be repealed.—In repealing any of those laws, one point was essentially necessary, and that was, that the Public should completely understand why they did it, as the most serious dangers might arise from a misunderstanding. As to the country being in a state of ferment, he did not think so, and believed his learned friend had gone too far when he said it. If there were any who entertained opinions inimical to the constitution, he really believed their numbers were small, and their proceedings too insignificant, to be dangerous; for the great body of the people were firmly united in their love for the constitution, and had a proper sense of the many blessings they had enjoyed under it. At the same time, he saw no propriety in that House giving encouragement to a society, whose declarations avowed their principles to be subversive of every established religion, and every established Government. If they were to repeal this law, might it not be so misrepresented, that the public mind might be impressed with an idea that, in place of wishing to relieve a certain class of men from penalties, the House of Commons were become indifferent about the established religion, and careless of what infringements they made upon it? this they would think the first step towards a gradual abolition of all the establishments and fundamental principles of the constitution. He likewise thought, in all cases of this nature, the previous opinion and concurrence of those most materially affected ought to be obtained; and concluded with declaring, that he decidedly disapproved of, and should most certainly vote against, the motion.

Mr. FOX said, he never was so happy as to-day, in having an opportunity to avail himself of the indulgence which the House generally gave to the mover of a question; at the same

time, he had been very uneafy during the greater part of the debate, particularly towards the clofe of it. He had, indeed, heard, before he came in, that his motion was likely to be oppofed, but what the grounds of oppofition were, he had not the leaft idea of. Now, however, all was out; for the right honourable gentleman on the bench with him had, circuitoufly, and the right honourable gentleman oppofite, directly, oppofed every principle and fyftem of toleration, in a manner that he never could have expected from either of them in that Houfe. It was not his intention to follow the firft right honourable gentleman through all the extraneous matter he introduced, for certainly his motion had nothing to do with France, which it was the fafhion with fome gentlemen to cram into every debate. His opinions of the French revolution were precifely the fame now that they ever were. He confidered that event as highly important and advantageous to this country, and to the world in general; and that right honourable gentleman knew his difpofition too well, to fuppofe that any temporary and accidental defeat that the French might fuffer in their ftruggle for liberty, would ftagger his mind with regard to their fuccefs in the refult. Such accidental defeats were to be expected at the commencement of fuch wars; and when attacks were made by raw and undifciplined troops: but thofe defeats would not be decifive; and fuch had been, and thefe fentiments he ftill retained, their mutual opinions during the American war. He had heard of treachery, perfidy, and unprovoked rebellion, and the demolitions of one of the King's fortreffes, in high terms; and though he had been told that no two-legged animal could be found, who would credit the old woman's ftories about the Baftile, he would acknowledge himfelf to be that animal. He knew the right honourable gentleman's tafte for poetry, and when the Baftile was mentioned, a defcription of it came to his mind, as given by a celebrated poet of our country, Cooper, in his poem of the Tafk:

"Ye horrid towers, th' abode of broken hearts,
"Ye dungeons, and ye cages of defpair,
"That monarchs have fupplied, from age to age,
"With mufic fuch as fuits their fovereign ears,
"The fighs and groans of miferable men!

"There's not an English heart that would not leap
"To hear that ye were fallen at last; to know
"That even our enemies, so oft' employ'd
"In forging chains for us, themselves were free.
"'Tis the cause of man.
"There dwell the most forlorn of human kind,
"Immur'd though unaccus'd, condemn'd untry'd,
"Cruelly spared, and hopeless of escape.——
"Oh, comfortless existence! hemm'd around
"With woes which who that suffers would not kneel
"And beg for exile, or the pangs of death?—
"That man should thus encroach on fellow man,
"Abridge him of his just and native rights,
"Eradicate him, tear him from his hold
"Upon th' endearments of domestic life
"And social, nip his fruitfulness, and use
"And doom him, for perhaps an heedless word,
"To barrenness, and solitude, and tears,
"Moves indignation."——

The TASK, Book V.

After having repeated these lines, he added, in the language of the poet, that there was not an English heart which would not leap, to hear that this monument of arbitrary power, this abode of wretchedness and despair, had now fallen. He had called Paine's book a libel on the English constitution, and thought the right honourable gentleman's book a libel on the French constitution, though of a different kind. He then replied to what had been said on the Birmingham business; he insisted that there were practical grievances, and ever would be, while those laws remained. He said, he had heard that there were those who defended the riots at Birmingham, but he did not expect to have found them in that House. He maintained that they arose from religious, and not political causes. He strongly reprobated the idea of not repealing an unjust and disgraceful law, lest scandal should be annexed to it. If toleration was now grown so limited, that scandal was dreaded, the country was degraded beyond the lowest democracy. It was absurd to say, that the repeal ought to come from the Bishops, as was hinted by the honourable gentleman, for it was well known they had set their faces against every repeal; and to say

that the enlightened part of the community ſhould delay juſtice till they had conſulted and convinced the vulgar throng, was equally mean and ridiculous.

Mr. Chancellor PITT complained that his arguments on toleration had been miſrepreſented.

Mr. FOX ſaid, if he had miſrepreſented them, it was from not being able to underſtand them.

Mr. BURKE complained that he had been charged with writing a book, which was a libel on every free Government, and entered into a defence of his principles.

Mr. DUNDAS ſaid, with ſome warmth, he had a right to demand an explanation of certain geſtures uſed by the right honourable gentleman (Mr. Fox) in ſome parts of the debate, which ſeemed to indicate that he conſidered Government as culpable in their conduct reſpecting the Birmingham riots.

Mr. FOX ſaid, he was ready to explain any part of his argument or expreſſions, which he conceived was all that could be required of him.

Sir ROBERT LAWLEY vindicated the conduct of Government. He had marched with the troops ſent to quell the riots, and did not wonder at their having been excited when he ſaw the hand-bills that were circulated at Birmingham.

Mr. FOX ſaid, that if improper hand-bills had been circulated on one ſide, hand-bills, at leaſt as improper, had been diſtributed on the other.

Mr. WHITBREAD aſked whether proper inquiry had been made by Government into the conduct of the Magiſtrates at Birmingham?

The ATTORNEY GENERAL gave a detail of the manner in which the proſecutions againſt the rioters had been conducted, and aſſigned his reaſons for not commencing any proſecution againſt the Magiſtrates, on the affidavits that had been ſubmitted to his examination.

Mr. WHITBREAD ſaid, he underſtood from the learned gentleman, that no inquiry was to be made into the conduct of the Magiſtrates. In that caſe, he ſhould bring forward a motion on the ſubject.

The ATTORNEY GENERAL replied, that if any proſecution was commenced by him as the public accuſer againſt

the Magiſtrates, it muſt be on an information taken under his own direction.

The honourable Captain FINCH ſaid, he underſtood the conduct of a noble relation of his had been alluded to on a former occaſion by a right honourable gentleman (Mr. Fox) on the ſubject of the riots, and he was ſure the right honourable gentleman's candour would now induce him to explain what he had formerly ſaid, or whether he had now retracted it.

Mr. FOX, after prefacing that he had once been on terms of intimacy, and always of good wiſhes, with the noble perſon alluded to, ſaid, what he formerly mentioned, and never meant to retract, was, that a handbill, diſtributed amongſt the rioters at Birmingham, with the name of that nobleman (Lord Aylesford), and ſeveral gentlemen of the neighbourhood, ſubſcribed to it, addreſſing the rioters by the appellation of "Friends and fellow Churchmen," expreſſing no diſapprobation of what they had done, telling them that they had done enough, and exhorting them to deſiſt, not becauſe they were violating all law and juſtice, but becauſe the loſs muſt ultimately fall on themſelves, was diſgraceful to the police, the character, and the government of the country. He begged leave to explain, that he was not one of thoſe who blamed the extenſion of the Royal mercy to one of the rioters who was capitally convicted. From all he had heard, although others might be much better informed, it was a caſe that deſerved the Royal mercy, and he imputed no blame to Government on that account.

The queſtion was put, and the Houſe divided on Mr. Fox's motion;

Ayes, 63; Noes, 142. Majority againſt it, 79.

The Houſe adjourned.

Monday, 14th May.

Mr. Chancellor PITT having moved the order of the day for the third reading of the New Foreſt bill,

Mr. HUSSEY ſaid, that he objected to the principle on which the bill was founded. He admitted that it had a plauſible appearance, and its object could not fail of being popular, as it was to procure a ſupply of timber for the uſe of the Royal Navy. But, at the ſame time, he was con-

vinced that it never would anſwer the end for which it was intended. About a century ago, a bill on preciſely the ſame principle was carried through Parliament; it directed that 2000 acres in the New Foreſt ſhould be incloſed the firſt year, and 200 every year after for 20 years, and that they ſhould be planted with timber. But no public advantage was derived from the plan, for it failed *in toto*. The preſent bill was nearly a tranſcript of the former, differing only in the quantity of land to be incloſed; a ſimilar failure therefore was to be expected from it. It was his opinion, that the only way to render the New Foreſt of real advantage to the Public, would be to ſell the whole of it; and when it was in private hands, the proprietors would find their account in planting it and rearing timber for the Navy. They might do what would be ſtill more beneficial to the Public, they might cultivate the land, grow wheat, and breed cattle. To provide timber for the Navy was a good thing; but to provide food for the people was a better. He cauſed a paragraph from the report of the Commiſſioners of the Crown and Foreſt Lands to be read, in which theſe gentlemen ſtated, that from the extenſion of manufactures and the growing population of the country, it would become neceſſary to extend agriculture, and improve as much land as poſſible, ſo as to increaſe the annual growth of wheat. This opinion, he ſaid, applied ſtrongly to the caſe before the Houſe; and if it was adopted with reſpect to the New Foreſt, which contained 115,000 acres, an immenſe quantity of wheat might be raiſed, and vaſt numbers of cattle bred, which would furniſh us with the means of procuring a ſupply of timber from every quarter of the world, where there was any to be ſold fit for our uſe. If his ideas on this ſubject were to prevail, the whole of the Crown Lands ſhould be put up to ſale; and the money ariſing from it ſhould be veſted in the Commiſſioners for redeeming the public debt, who ſhould be directed to purchaſe ſtock, the intereſt on which ſhould be ſuffered to accumulate during the preſent reign, and after the demiſe of His Majeſty, go to his ſucceſſor in ſuch proportion as ſhould

be agreed upon between the present King and the Heir apparent. Mr. Hussey concluded by moving that the bill should be read a third time this day three months.

Mr. Chancellor PITT observed, that the honourable gentleman and he differed widely with respect to the question, "In which way might the land in the New Forest "be employed to most advantage to the Public for rearing "timber, in private hands, or in those of the nation."—The honourable gentleman preferred the former, he himself was for the latter; and as he had more than once assigned his reasons for this preference, he would not trouble the House at this time with a repetition of them.

The question was put on Mr. Hussey's motion, which was negatived without a division; and the bill was immediately read a third time.

Mr. HUSSEY having failed in his attempt to get rid of the whole bill, objected next to a particular clause in it, which empowered a single Justice of the Peace or Verdurer of the Forest, to convict any cottager of the Forest, and fine him 10l. who should be charged on the oath of one credible witness, with having cut more turf for fuel than he consumed in his own cottage. Now his great objection to this clause was, that it gave a Magistrate a power, not merely of punishing a person for a breach of the law, but because it empowered him in a summary way to decide upon a question of right with respect to property. The cottagers had a right, not disputed by the Crown, to cut turf for their own use; they also claimed a right to cut a great deal more, which they might either sell or give away to their friends. A Court of Law was the proper place for trying the legality of that claim; a Magistrate was not a proper person to determine it; and still less should the person acting up to the extent of the claim be fined for the exercise of what he considered as his right. He observed that these cottagers were not treated in the bill, as favourably as a noble Earl (Lonsdale) who had petitioned the House against it, but who had since withdrawn his petition, having received compensation. That noble Lord laid claim to a

right to cut more turf than was consumed in his three lodges in the forest; and on condition of giving up the claim he was to receive compensation.

Mr. Hussey now moved, that the whole of this clause should be left out.

Mr. ROSE denied that the noble Earl to whom the honourable Member alluded, had received any compensation for a relinquishment of any such claim; for he was not intitled by the forest laws, to more turf than could be consumed in his three lodges.

Mr. Chancellor PITT said, that the question of law, which the honourable Member concluded ought not to be left to the decision of a Justice of Peace, could not possibly arise in this case. The cottagers in the forest had no other right of turbary, than such as was common to all copyholders, or persons entitled to commonage. They could cut as much turf as was necessary for their own use, and no more. The clause was intended to arm the Magistrate with power to punish such as should exceed that measure.

After some conversation, Mr. Hussey's motion was rejected, and the bill was passed, and ordered up to the Lords.

The Westminster Police bill was re-committed, and produced a tedious and desultory conversation.

Mr. FOX said, that as some additional clauses were to be introduced, he would not state his objections to the bill, until it should have come out of the Committee. On the report, he would give such reasons for putting off the consideration of it to the next session, as appeared to him to be strong and conclusive.

The conversation that ensued turned principally upon two points. One was the influence which the Magistrates, acting under this bill, might derive from it in times of election of Members to serve for Westminster. The other was a new clause proposed by Mr. Burton, for empowering the constables to apprehend such persons as could not give a good account of themselves, and the Magistrates to commit and punish them as incorrigible rogues and vagabonds,

allowing them, however, an appeal from the decision of the Justices to the quarter sessions, and the right of giving bail for their appearance to prosecute such appeal.

Some gentlemen were of opinion, that the Magistrates employed under this act ought not only to be disqualified from voting at an election for Westminster, but even for interfering directly or indirectly in such election, except for the purpose of preserving the peace. Others thought that it would be a harsh measure to deprive men of the elective franchise before they had abused it.

Mr. Secretary DUNDAS was of this opinion; he said, however, that if a clause was drawn up, which would go to the full length of guarding against an improper interference of Magistrates at elections for Westminster, but without going beyond that principle, he would rather adopt it than run the risk of losing the benefit which the Police of this city would derive from the bill.

Mr. M. A. TAYLOR undertook to prepare such a clause, which he said he would offer to the House when the report of the bill should be taken into consideration.

With respect to the clause for apprehending idle persons, who were known to live by dishonest practices, it appeared to some gentlemen to give a greater power to Magistrates than it was safe to give to any individual or body of men whatever.

On the other hand, it was said, that some such clause as this was absolutely necessary for the purpose of giving efficacy to the bill. The officers of Police could point to hundreds of person who lived solely by picking pockets and other felonious acts, and yet were suffered to walk the streets in open day, to collect about the doors of all places of public amusement, and to concert plans for committing felonies. As the law stands at present, these persons could not be taken up, until they were charged with having actually been guilty of a breach of the law. As prevention was better than punishment, such a clause as this must be of great use, as it would compel idle vagabonds to have re-

course to honest industry for their support or to be treated as incorrigible rogues.

It was agreed at last, that the clause should be admitted for the present; that the whole bill, with the amendments, should be printed, and submitted on the report to a full discussion in the House.

Mr. CATOR wanted to have the expence of the establishments under this bill, to be paid out of the civil list.

Mr. Chancellor PITT said, the charges already upon the civil list were as great as it could bear; any addition to them would only produce a debt which Parliament would hereafter see the necessity of discharging. It was best, therefore, that the Magistrates to be appointed under the bill, should be paid at once out of the consolidated fund.

The point being at length given up by Mr. Cator, the bill was carried through the Committee, and the House was resumed.

The report was immediately brought up, and the House ordered that it should be taken into consideration on Thursday next; and that in the mean time a sufficient number of copies of it should be printed for the use of the Members.

Mr. GREY rose, and moved, "That an humble address be presented to His Majesty, that he will be graciously pleased to give directions that there be laid before this House a copy of the definitive treaty of peace concluded in December last, between the Court of Petersburgh and the Ottoman Porte."

Ordered.

The LORD ADVOCATE OF SCOTLAND reminded the House, that when an honourable gentleman (whose absence he regretted) had brought forward the subject of the Royal Scotch burghs, that honourable gentleman had intimated measures that would tend not to reform but absolutely to subvert the ancient constitution of all the Royal burghs of Scotland. That in the course of the discussion, he had stated to that honourable gentleman in what particular their constitution was defective, and had declared his readiness to concur with him in any single measure that the

honourable gentleman would propose for applying a remedy to that admitted defect. He had waited from that time with impatience, expecting that the honourable gentleman would have met him upon the ground he had stated, and would have brought forward some specific measure or other adapted to the nature of the case. That not having happened, it only remained for him to come forward with some proposition himself. He rose, therefore, for the purpose of moving for leave to bring in a bill on the subject, and his purpose would be, not to subvert all or any part of the present system of Government as it obtained in the Royal Scotch burghs, but to restore it to what it anciently had been.

He detailed the manner in which the accounting for the revenues of the Scotch burghs stood at the period of the revolution, stated the degree in which it had been altered by the bill of 1693, four years subsequent to the revolution, and by the act of union at the commencement of the present century; and declared, that his object was to render the Magistrates amenable for their conduct, with regard to the revenues, to the Court of Exchequer in Scotland. That another object was, in order to guard against the Magistrates being harassed with litigious and vexatious prosecutions, he meant to insert a clause obliging prosecutors to give security for the payment of costs, in case their libels were not found proven. A third object was in levying each cess or tax, to oblige the Magistrates to specify the proportion payable by each inhabitant, and to state distinctly the grounds on which the money was levied. These he took to be the only points that essentially required a legislative remedy, and therefore he concluded with moving, that a bill be brought in, "for the better regulating the mode of accounting for the common good and revenues of the Royal burghs of Scotland."

Mr. M. A. TAYLOR said, as his honourable friend (Mr. Sheridan) was necessarily absent on a most unpleasant business, he hoped the learned Lord, after he had brought in his bill, would print it, and allow time enough between

the first and second reading, not only for his honourable friend to be able to state how far the measure met his expectations; but for the bill to be sent down to Scotland, that the opinions of those who were to be principally affected by the bill, might be known and understood previous to the proceeding with it any farther.

Sir JAMES ERSKINE St. CLAIR also hoped that proper time would be allowed.

The motion was stated from the chair, and upon the question put, agreed to.

Mr. WHITBREAD gave notice, that on this day se'nnight he would make a motion respecting the riots which took place at Birmingham last summer.

Mr. Secretary DUNDAS wished the honourable gentleman would be so good as to give some intimation of the nature and tendency of his intended motion. At the same time he flattered himself, that the good sense of the honourable Member would, on more mature reflection, determine him not to make any motion at all upon the subject of those riots. He had not a doubt of the good intentions of the honourable Member; but as no one could answer for events and consequences, and as the flame of those riots had subsided, he submitted to the honourable Member, whether it would be prudent to revive the memory of those disagreeable occurrences by any new discussion.

Mr. WHITBREAD was rising to give an answer, when

Mr. BOUVERIE rose, and begged the Chair would not suffer a debate to take place upon a bare notice of a motion, and when there was not a motion before the House.

The SPEAKER said, he certainly would not suffer such an irregularity to take place; but as he thought the honourable Member (Mr. Whitbread) was going only to state what was to be the ground of his motion, it did not occur to him that it would have been disorderly to suffer him to do so.

Mr. WHITBREAD then rose again, and said, that he could not at that moment state what would be the precise

object of his motion, as he had not yet formed it in his own mind; but it would relate to the riots that had taken place at Birmingham during the summer. As to the question of prudence, Whether any motion at all ought to be made on that subject at this time, he had fully made up his mind on that head, and he meant to persevere in the notice which he had given.

The House adjourned.

Tuesday, 15th May.

The SPEAKER stated, that the House of Lords had introduced a clause into a Canal bill, which would cramp and fetter the proceedings of that House, in case a bill for a Rochdale navigation should ever be proposed and ordered; and as it was not usual for the House to suffer any clause of the nature in question introduced by the House of Lords to pass, he thought it his duty to call their attention to the circumstance.

Mr. STANLEY moved, that the question, "That this "House do agree to the said amendment," be adjourned to this day three months, which was agreed to.

Mr. Stanley then moved for leave to bring in a new bill.

Ordered.

The House adjourned.

Wednesday, 16th May.

The Committee on the Public Income and Expenditure was, upon motion, deferred to Wednesday next.

The House adjourned.

Thursday, 17th May.

The honourable THOMAS PELHAM rose in conformity to the notice he had given of his intention to move for some additional reward for the long and faithful services of

the clerk affiftant. Mr. Pelham ftated, that the honourable gentleman had held his office for twenty-four years, the emoluments of which, when compared with the services, could not but be matter of aftonifhment to every Member. Had the honourable gentleman continued in the practice of his profeffion, Mr. Pelham faid, he certainly would have obtained confiderably greater emoluments than by the office he now held; and had he been a Member of that Houfe, he would have been one of its brighteft ornaments. His object was not to increafe the falary of the office, but to confine the remuneration he meant to move for to the honourable gentleman, whofe fervices highly merited the confideration of the Houfe; and that the Houfe fhould act as it ought for its own dignity, the propofal he fhould offer would be an addrefs to His Majefty for a recompence, which recompence fhould not be drawn from the civil lift, but be defrayed by the Houfe. He concluded by moving,

"That an humble addrefs be prefented to His Majefty, "that he will be gracioufly pleafed to give directions for "making fome farther recompence to John Ley, Efq. for "his long and meritorious fervices as clerk affiftant of this "Houfe, and to affure His Majefty, that this Houfe will "make good whatever fum His Majefty will order to be if"fued for that purpofe."

Mr. Chancellor PITT rofe to fignify his entire concurrence with the whole of what the right honourable gentleman had expreffed, and to declare, that if any thing more were neceffary to be added, it would be only a mark of the competition that every Member of the Houfe muft feel in the race of reward to diftinguifhed merit.

Mr. FOX faid, he could not poffibly let a queftion of that kind pafs in filence. He therefore rofe to declare, that he never gave a vote with greater fatisfaction, being confcious that the honourable gentleman, who was the fubject of it, merited the thanks, approbation, and liberal regard of the Houfe.

Carried nem. con.

The ſaid addreſs was ordered to be preſented to His Majeſty by ſuch Members as are of His Majeſty's Privy Council.

The order of the day having been read, "that the report "of the Ramſgate Harbour bill be now taken into conſide- "ration,"

Sir EDWARD KNATCHBULL, after having ſtated ſeveral objections in the name and on the part of the Truſtees of the Harbour, who wiſhed the bill to be deferred to the next ſeſſion, moved an amendment, to leave out the word "now," for the purpoſe of ſubſtituting the words "this day three months."

A converſation enſued between Alderman Curtis, Sir Watkin Lewes, Mr. Thornton, Mr. Filmer Honeywood, Mr. Brook Watſon, and other Members, after which the queſtion was put and negatived.

Mr. F. HONEYWOOD, though a friend to the bill, was deſirous that it ſhould be re-committed, to amend ſome clauſes; he therefore moved, that the bill be recommitted.

A diviſion enſued on this motion, which was alſo negatived, there being

Ayes, 24; Noes, 38. Majority 14.

When the clauſe was read for appointing the Members in Parliament for Ports, Truſtees to the Harbour,

Mr. F. Honeywood, and other gentlemen objected to it, upon the principle that thoſe who had the examination into the expenditure of money, ought not, in virtue of their right to examine, to have any ſhare in the expenditure; in other words, that they ought not to decide on their own conduct.

Sir WILLIAM DOLBEN ſpoke, and rejoiced that ſo reſpectable a body as the Trinity Houſe had undertaken the ſuperintendance of the clearance of Ramſgate Harbour.

The queſtion was put, and the clauſe negatived, by a diviſion of,

Ayes, 26; Noes, 31. Majority againſt the clauſe, 5.

The bill was then gone through, and ordered to be engrossed.

In conversation between Mr. Fox, Mr. Ryder, and Mr. Chancellor Pitt, it was agreed to debate the Sugar bill on the report.

The House, pursuant to the order of the day, resolved itself into the Committee, and went through the bill with several amendments.

A division took place on the exportation prohibiting clause.

Mr. RYDER moved to prohibit the exportation of refined sugar, when the price should rise above sixty shillings per hundred weight

This sum was contended by Alderman Watson to be too high.

Sir JAMES SANDERSON said, that he was much astonished to hear from the right honourable gentleman (Mr. Ryder) that the bill then under consideration was not intended to reduce the price of sugar; because, independent of the just objections and reasonable apprehensions stated by the sugar refiners, there were another description of persons, infinitely more numerous, who had felt considerable uneasiness on the subject, and were deeply interested in the question, namely, the sugar consumers. That body of gentlemen had deputed a Committee, composed of wise, moderate, and well-informed men, who had explored every corner of the world, in hopes of establishing a supply of this now necessary article, and who had been honoured with several conferences on this subject with the Minister.

That body of gentlemen had finally trusted to the equity of Parliament for substantial relief, contenting themselves with a public protest against this bill, as altogether inefficacious. Sir James added, that, for one, he did not entirely lean to the extreme of this statement, much less was he inclined, on the other hand, to refuse to the West-India growers their fair claim, and perhaps, he might add, in their present circumstances, their particular claim to the attention and protection of Parliament; but he was warranted in believing, that 40s. ought to be the ultimate price of this bill, and no more, as

a calculation for eighteen years, viz. from 1774 to 1791, excluding, on the one hand, a few preceding years, when sugars were unreasonably low, and including, on the other, the two last years, when sugars were extravagantly dear, fixed the average price at 38s. 3d. per cent. only.

Sir James Sanderson also added, that, from all his observations on this subject, and from the practical knowledge which he possessed, he had no doubt, that whatever was the limit of price at which exportation should stop, would be very nearly the actual price to the home consumer.

In this opinion, he wished to impute nothing like an improper conduct to the West-India importers: they were men, he acknowledged, of the highest mercantile rank; possessed, in the highest degree, of sterling integrity, and, of course, incapable of using unworthily the force of a monopoly, much less of descending to the despicable tricks of combination; and yet, in duty to their employers, they would be found individually, and without any concert, to produce that mischievous effect; because they had not only the exclusive supply, but an accurate and perfect knowledge of the whole demand.

He also observed, that should this conclusion be still disputed, the export buyer, so long as he was allowed to remain, would infallibly be able, in addition to these considerations, to make the price as close as was possible to the boundary line; because the evidence at the bar had proved, that whenever there was that demand, the market rose, and fell again when he was gone.

For these reasons, and principally because that seven-eights at least of the whole consumption was used in Great Britain, whilst the price they were to pay was fixed by the other eighth consumed abroad, at so much less as will be the difference between the bounty allowed by Government and the shipping charges, Sir James declared, he felt it his duty to oppose the present bill in all its stages; for, inclined as he certainly was to give to His Majesty's present Ministers his cordial support, as thinking their general measures both wise and salutary, he should be always equally ready to oppose them,

when they appeared to him, as in the present instance, to be wrong.

Mr. Alderman WATSON now proposed an amendment, to leave out the word "sixty," for the purpose of inserting the words "fifty-five."

This amendment was carried, the numbers being,

Ayes (for the word sixty) - -	15
Noes - - - -	37
	—
Majority for fifty-five -	22

Ordered the report to be made on Monday.

The House adjourned.

Friday, 18th May.

The order of the day for the farther consideration of the report of the Westminster Police bill being read,

Mr. FOX rose briefly to state his objections to the bill. It contained a dangerous innovation in principle. The police of this country was well administered in the ordinary mode by gentlemen who undertook to discharge the duty without deriving any emolument from it, and in the safest way to the freedom of the subject, because those gentlemen being under no particular obligation to the executive power, could have no particular interest in perverting the law to oppression. To appoint a set of Justices with salaries from Government, and consequently to a certain degree, under influence, was to change the long-established practice, and to introduce a new principle, which might be indefinitely extended under various pretexts, and the effects of which no man could foresee. A sufficient case had not been made out to warrant such a change. It was not even shewn that the bill would remedy the abuses alledged as the ground for bringing it in. It contained a clause, enabling these new Magistrates to bring persons before them to inquire into their characters and intentions, and commit them to prison on such an inquiry. This was a power pregnant with abuse; and those who were likely to be the objects of it, the lower classes of people, had seldom the means

of applying for redreſs againſt abuſe of power; they were entitled to the peculiar protection of the Legiſlature in every law, by which they could be affected. On theſe grounds, that a ſufficient caſe had not been made out to warrant a departure from the general practice, and that the bill might, perhaps, be a greater evil than that which it was intended to remove; he hoped the Houſe would take farther time to conſider of it; and moved, that the ſecond reading of the amendments be poſtponed for three months.

Mr. BURTON ſaid, the bill was intended to relieve the lower claſſes of people from the vexations and oppreſſions to which they were now ſubject by the practices of the trading Juſtices. It contained no novelty in principle, for the 12th of Richard II. which required Juſtices to ſit for three days in ſeſſions, provided that they ſhould be paid at the rate of four ſhillings a day; a ſum very ſufficient at the time it was granted, and which was ſtill paid. If, therefore, the police of Weſtminſter required that the Juſtices ſhould ſit every day, it was no innovation in point of principle to enact, that they ſhould be paid in proportion to their trouble.

This would not add to the influence of the Crown; for if a corrupt Miniſter were to attempt the perverſion of juſtice, where could he find fitter tools than thoſe whoſe daily practice was at preſent an abuſe of juſtice? The particular clauſe objected to was eaſily ſeparable from the bill, and he could have wiſhed it to have been the object of a ſeparate act, but he could not ſee that it had any tendency to oppreſſion, and, with ſome amendment, thought it would be unobjectionable.

Mr. WINDHAM ſaid, that the bill was a direct innovation in point of practice, for it was well known that the office of Juſtice was executed all over England gratuitouſly. The diſcretionary powers granted to Juſtices of the Peace were in many caſes exorbitant, and to be endured only in conſideration of the perſons to whom they were granted.—Was it fit to grant all theſe powers, and more, to a new deſcription of Magiſtrates appointed by, and receiving ſalaries from, the Crown? He went at ſome length into the

objections both to the general principle, and the particular claufe.

Mr. WILBERFORCE replied to Mr. Windham; and the Houfe divided,

For poftponing the bill -	37
Againft poftponing it -	50

The amendments were then gone through; and a fecond debate took place on the claufe above mentioned, Mr. Dundas, Mr. Burton and Mr. Halhed arguing in fupport of it, on the ground that it was evidently neceffary in Weftminfter, and only an extenfion of an eftablifhed principle; Mr. Fox, Mr. Windham and Sir J. S. Erfkine againft it, on the ground that there was no inftance in the law of England of hearing evidence on a man's general character, with a view of fubjecting him to punifhment.

The claufe, with fome amendments, was carried, the bill was ordered to be engroffed and read a third time on Monday.

The Houfe adjourned.

Monday, 21ft May.

Mr. M. A. TAYLOR brought up the report of the Committee appointed to make inquiries into abufes attendant on the drawing of a ftate lottery, and made feveral obfervations on it. He gave notice that next feffion he fhould fubmit reafons to the Houfe which he trufted would induce them to difcontinue this deftructive mode of fupporting the revenue; at the prefent time he fhould move only that this report do lie upon the table. The queftion being put, it was ordered accordingly.

Sir WILLIAM DOLBEN faid that from the ftate in which the queftion of this hateful traffic ftood in the Houfe of Lords, it became neceffary for him to renew a bill which he had annually the honour to bring in for the regulation of the mode of tranfporting negroes from the coaft of Africa to the Britifh plantations and colonies. This bill would expire in Auguft. He therefore moved for leave to bring

in his bill in the ufual form, to continue for a limited time the law now in force for the regulation of the trade for carrying negroes from the coaft of Africa to our Weft-India colonies and plantations. Ordered.

Mr. DUNDAS appeared at the bar with a proclamation delivered to him by the King. It was brought up and read.

Mr. FOX faid, he doubted whether any thing more was neceffary for that Houfe than to thank his Majefty for his gracious communication.

The proclamation was then ordered to be taken into confideration on Friday next.

A petition was prefented on behalf of fome proteftant Diffenters of the town of Birmingham, truftees of the new meeting-houfe which had been deftroyed in the riots there, and for the deftruction of which no compenfation could be recovered againft the Hundred, on account of the regifter required by the Toleration act not being to be found.

The SPEAKER obferved, that by the regular courfe of the proceedings of that Houfe this petition could not be received. It was a private petition, according to the rules under which petitions were regularly claffed, and the day was paffed for receiving private petitions. There was, however, an expedient that might be adopted, which would reach the juftice of the cafe. A petition might be prefented, praying, that leave might be given to prefent this petition. The Houfe might grant that leave, and then the petition in queftion would come regularly before the Houfe. This petition on the matter was for the prefent withdrawn.

Mr. WHITBREAD then rofe in purfuance of his notice, for the purpofe of calling for an inquiry into the late riots in Birmingham. Much difcuffion, he faid, had recently taken place, on the fubject of religious toleration; fome contending with his right honourable friend (Mr. Fox) for the extirpation of herefy, by the repeal of all thofe laws, which difgraced our ftatute book; fome contending for the continuance of thofe laws (although no man had ventured to point out an inftance, in which they ought to be carried

into effect); others, with toleration on their lips, but persecution in their conduct, avowing that the repeal of those laws was a thing just and equitable in itself, but that the present was no time for doing it. This cloak would suit all seasons, and fit every wearer; it was a subterfuge, to which all apostates from every public principle might at all times resort. But when was this happy moment to appear? When should we begin to practise Christianity on truely Christian principles? Would to God that those statutes had long since been obliterated! Then, he in his conscience believed, that he should not have had to stand forward, as he did that night, in defence of the injured laws of his country, in defence of the violated rights and property of his fellow subjects. Would to God the motion of his right honourable friend, for the repeal of the penal statutes, had been adopted on a former night, he firmly believed the House would then have taken the best security against the commission of such enormities in future.

But whatever might be the shades of difference in the minds of men on the subject of religious toleration, there was a proposition which he was sure would not be disputed with him, in which every man who heard him must cordially agree, viz. that law existed for the protection of all, as well of those who dissented from, as of those who were attached to, the establishment; that all were her common children; that we were, or ought to be, strong enough to punish transgressors against her mandates; that she was, or ought to be, strong enough to repress the incroachments and violence of designing or deluded men. When we read of tumults and persecution, on account of religious differences, in the histories of other countries, we consider such narratives as the greatest reproaches on the annals of the most barbarous times. How much then would our indignation be excited, to find that, at the close of the eighteenth century, in the year 1791, "on this tolerant and enlightened "country this reproach had come." But he wished it to be understood, that, although the property of the Dissenters of Birmingham had been destroyed, and their lives endan-

gered, it was not on their behalf that he had come forward on that day; he had not asked their concurrence or approbation. He came forward, he declared, as the advocate of the Dissenters in general—of all the people of England; his object was to restore the honour of the British name, and display the justice of a British Parliament. He observed, that the reason urged by some against the bringing forward of this subject, that it might tend to excite farther tumults, afforded a strong argument in favour of his motion; for if it should be understood that Parliament was afraid of taking notice of these disgraceful proceedings, it followed, that Magistrates might be culpable, without danger or inquiry; and this principle of impunity must become more settled the more such outrages were repeated. It therefore became the dignity of the House to inquire into the conduct of Magistrates, instead of encouraging them in a criminal neglect of duty. An honourable Baronet (Sir Robert Lawley) had, on a former night, asserted, that the riots at Birmingham were of a political and not a religious nature; he was confident that the contrary was the fact, and he would undertake to prove, from the internal evidence of the thing itself,—from the concurrent testimony of persons interested on both sides of the question—and of one who, from situation, and every circumstance, must be acknowledged wholly disinterested on either,—that these tumults arose purely from religious differences of opinion, "which cannot be the object of political control, as they respect not man, but God; and challenge all the Governors and the governed as equal subjects."

It would be necessary shortly to dwell upon the state of the town of Birmingham for some time previous to the unhappy period, to which it would be his duty, more particularly, to call the attention of the House, and they would find, that the storm had been long gathering, and that it was compounded of religious disputes alone,—that it had burst on a day set apart for the commemoration of a political event was no proof of its being of a political nature. From a very early period, so long ago as the year 1715, Birming-

ham had been witness to the persecution of Dissenters; then, indeed, they were acknowledged to be, what they had always shewn themselves, and what they still continued to be, zealous friends to the constitution of this country, zealous friends to the Family on the throne; and the Church at that time warred against the Dissenters, because attached to the reigning family. She now allied herself to the Crown, in order to overwhelm them. But to come to more recent dates, he believed the origin of the disturbances of July 1791 might be traced to a letter to the Chancellor of the Exchequer, published by Dr. Priestley in the year 1787, on the subject of his opposition to a motion, made for the repeal of the Corporation and Test acts; he did not now mean to impute blame to that right honourable gentleman for his conduct on that occasion, though he was happy in the opportunity of declaring, that he should have voted for the repeal, had he possessed a seat in the House at that time, not much valuing the censure of a Birmingham Divine (Mr. Croft), who in the true spirit of bigotry and intolerance had declared, in one of his sermons, "that it were to be wished, that every "man, who was seduced by their (the Dissenters) plausible "arguments, might be excluded from the senate."

From the period last alluded to, the Clergy of the established Church had appeared to make a common cause against the Dissenters, and had shamefully perverted their ministry from the propagation of the principles of christianity, benevolence, and charity, to disseminating the most unwarrantable charges against the Dissenters, and representing them as persons disaffected to the constitution of this country. Sufficient evidence of this was to be found in the sermons of Mr. Madan, Mr. Croft, &c. The latter, in a preface to a sermon preached at *St. Philip's Church in Birmingham*, on Sunday, *January the 3d*, 1790, asserts, that "*The charge* "*of republican principles against them, harsh as it may be* "*thought, is well founded.*" And that it might not be amiss, if the Dissenters, "*while they are so anxious to do justice to* "*William the Third, would speak with greater reverence of* "*those general benefactors of the world, the first preachers of*

"*christianity*." And in another place, "The right of vot-
"ing *at elections and of sitting in Parliament unfortunately (as we think) cannot be taken away from the Dissenters. Their gross abuse of these privileges is the best argument that can be brought against additional acts of accommodation.* And if the test act does not fully answer the purpose, we must remember that the evils of chicanery and evasion are almost irremediable."

These incitements, and others like them, had their natural effects, and produced amongst the common people a spirit of hatred against the Dissenters, which, in due time, burst forth with the violence, of which the nation had been witness. From the commencement to the conclusion of the tumults, no cry was heard, but that of "Church and King," except that a single person once cried, "No Popery." The French revolution was never mentioned, nor hinted at. Persons of different religious opinions were present at the dinner. The Dissenters alone suffered. The house of Mr. Keir, the chairman of the meeting, and a Churchman, was never attempted to be demolished: no injury of any kind was offered to his property; the houses of Dr. Priestley, who was not at the dinner, and of Mr. Taylor, who was absent from Birmingham at the time it took place, were both burnt to the ground.

Dr. Priestley, a person, to his misfortune, much interested in this unhappy business, had declared his opinion, that the riot was of a religious nature. "That *the true source of the riots at Birmingham was religious bigotry, and the animosity of the High-church party against the Dissenters, and especially against the Presbyterians and Unitarians,* and not the commemoration of the French revolution, is evident from all that has passed, before, at, and after, that day *". It was not then the time to enter into any defence of Dr. Priestley's religious or political opinions; he should content himself with expressing his veneration for so distinguished a character, who has been nearly compelled to fly from this land of liberty and *toleration* to some distant coun-

* Priestley's Appeal, page 59, & seq.

try; but to no country could he have fled, where his fame would not have preceded him, where he would not have been received with open arms, and where he must not have been the involuntary means of publishing the disgrace of the English nation, by shewing, that while its inhabitants are extolling their liberality, and love of freedom, the most celebrated of its philosophers was obliged to abandon his native home, to avoid destruction, for the avowal of his religious opinions.

Mr. Keir had declared his opinion of the origin of these riots to be the same with Dr. Priestley, in his letter of July 20: "Nevertheless these false reports are all the pretences "for the late horrible riots; but the event shews that they "were only *pretences*, and that *the Dissenters were the true* "*object of the fury of the mob*, as many of those gentlemen "who have suffered from the riots were not present."—All the hand bills that were put forth, with a view to make impression upon the mob, bore testimony to this opinion; the following one, put out by Mr. Brooke, most unequivocally so:

"*Temple Row, Birmingham, Saturday, July* 16, 1791.

"WHEREAS some detestable *villains*, from the most wicked "motives, to injure Mr. Wm. Windsor, a tenant of Mr. Brooke's, "at Ashsted, have circulated a report that Mr. Windsor's buildings "at Ashsted *belong to the Corporation of Coventry*. As such report is "evidently intended to incense the *friends of* CHURCH and KING, "to *destroy* the property of the said William Windsor; Mr. Brooke, "whose *most* hearty attachment is *well known* to the *real friends* of "CHURCH and KING, begs leave to address them, with the most "solemn *assurance*, upon the *word* and *honour* of a CHURCH and "KING's MAN, that the *Corporation of Coventry*, nor any *Presbyterian*, have any concern, or interest whatever, in the *buildings* and "property of the said Wm. Windsor, at Ashsted, nor in any of the "buildings belonging to Mr. Brooke, or any other person at Ashsted, and that upon all elections for the city of Coventry, where "the said Wm. Windsor lived before he came to Ashsted, he uniformly voted *against* the *Corporation and Presbyterian interest*, and "always supported the REAL TRUE BLUE, which is the CHURCH "and KING party.

"Mr. Brooke, therefore, is convinced, that this Address will be "attended to by the GENTLEMEN in the CHURCH and KING "party, and hereby offers a reward of Ten Guineas for the detection of the *rascals* who gave rise to so false a report.

"*Church and King for ever!*"

For what could the corporation of Coventry have to do with the commemoration dinner at Birmingham? Nothing;

but the corporation of Coventry were Diſſenters, and Mr. Brooke well knew that that was title ſufficient to the hatred and fury of the mob. The Magiſtrates and gentlemen of the county had manifeſted a coincidence of opinion by a famous hand bill, which had been put forth, and much commented upon:

"Birmingham, Sunday, July 17, 1791.

"*Important Information to the Friends of* Church *and* King.

"*Friends and fellow Churchmen,*

"Being convinced you are unacquainted, that the great loſſes "which are ſuſtained by *your burning* and *deſtroying* of the houſes of "ſo many individuals, will eventually fall upon the *county at large*, "and not upon the perſons to whom they belonged, we feel it our "duty to inform you, that the damages already done, upon the "beſt computation that can be made, will amount to upwards of "*one hundred thouſand pounds*, the whole of which enormous ſum "will be charged upon the reſpective pariſhes, and paid out of the "rates. We, therefore, *as your friends*, conjure you immediately "to *deſiſt from the deſtruction of any more houſes*; otherwiſe *the very* "*proceedings of your zeal for ſhewing your attachment to the* CHURCH "*and* KING, *will inevitably be the means of moſt ſeriouſly injuring in*"*numerable families, who are hearty ſupporters of Government*, and "bring an addition of taxes, which *yourſelves, and the reſt of the* "*Friends of the Church*, will for years feel a very grievous burden.

"This, we aſſure you, was the caſe in London, when there "were ſo many houſes and public buildings burnt and deſtroyed in "the year 1780, and you may rely upon it, will be the caſe on "the preſent occaſion. And we muſt obſerve to you, that *any* "*farther* violent proceedings will more offend your King and coun"try than ſerve the cauſe of Him and the Church.

"*Fellow Churchmen*, as you love your King, regard his laws, "and reſtore peace.

"God ſave the King.

"It is particularly hoped, for the *honour of the Town*, that all "perſons whatſoever will ſhew a due obſervance of the *Sabbath* "*Day*, by deſiſting from every riotous or diſorderly proceeding, "as the ſtrongeſt proof they can give of their principles in favour "of the preſent eſtabliſhment in *Church* and *State*."

He did not mean to impute bad motives to any of the perſons, who had ſigned this publication; it might have been the beſt expedient that could have been deviſed at the time; but he muſt ſay, that there never had appeared a teſtimony more diſgraceful to the police of a country—to be reduced to the neceſſity of calling a ſet of ruffians, engaged in the deſtruction of the houſes of their fellow ſubjects, *friends*; a mob broke looſe from every tie of order, morality, and religion, *fellow Churchmen*, was the loweſt pitch of degrada-

tion, to which Magiſtracy could be reduced in this or any country. He could not help mentioning another bill, which, though anonymous, had been publiſhed by a perſon who ſeemed to have been well acquainted with the diſpoſitions of the mob; it was in theſe words:

" HASTY HINT FROM A CHURCHMAN.

" My Boys,

" I humbly intreat you to deſiſt from any *farther* depredations, " and be content with *the puniſhment you have already inflicted on the* " *Preſbyterians*.

" Do read the following extract from Burn's Juſtice.

" After that celebrated Judge has explained the nature of *riots* and " *damages* done, he has theſe words:

" And the hundred, city, or town, ſhall anſwer the damages " thereof, as in caſes of robbery."

" So that, my Boys, you will clearly ſee, that by deſtroying " *private property, all damages will be to be made good by the town*.

" *Friday*, 5 o'clock."

Add to all this the teſtimony of Dr. Parr, a perſon who had uniformly oppoſed the repeal of the Corporation and Teſt acts, who, in a late publication, has this paſſage:

" Such, and ſuch only, has been my connection with " Dr. Prieſtley. And was it for this, that in a ſeaſon of " deep diſtreſs, and dreadful danger, my principles were on " a ſudden gnawed at by vermin whiſpers, and worried by " brutal reproaches? That my houſe was marked out for " conflagration? That my family were for three days and " three nights agitated with conſternation and diſmay? " That my books, which I have long been collecting with " indefatigable induſtry, upon which I have expended more " than half the produce of more than twenty years unwea- " ried labour, and which I conſidered as the pride of my " youth, the employment of my riper age, and, perhaps, " the beſt ſolace of declining life—was it for this, I ſay, " that my very books were expoſed to moſt unexpected, " moſt unmerited deſtruction? In what age, or in what " country, do I live? Whither, as an unoffending citi- " zen, ſhall I flee for the protection of the laws; and where, " as a diligent and a faithful teacher of chriſtianity, where " ſhall I look for its ſalutary influence, even amongſt thoſe

"who make their boaſt of being its moſt zealous defenders?
" *O ſuperbiam inauditam! Alios in facinore gloriari, aliis ne*
" *dolere quidem impunité licere.* But the ways of Provi-
" dence are unſearchable; and among all the anomalies
" which baffle conjecture, and afflict ſenſibility, in the
" moral world, the follies, the fickleneſſes, and the
" paſſions of man, are the moſt inexplicable, and the
" moſt deplorable. He is a tyrant in defence of liberty—
" he is a plunderer for the ſupport of law—he is an op-
" preſſor for the honour of Government. He is a ſavage
" in the very boſom of ſociety—he becomes the unrelent-
" ing perſecutor of his ſpecies, for the imaginary glory of
" his God."

And, above all, the ſentiment thus expreſſed by Baron Perryn, in his charge to the jury at Warwick—" After " having thus ſtated this law to you, I cannot refrain from " expreſſing my wonder and aſtoniſhment, that when all " religious perſecution had ceaſed, and toleration was ex- " tended to all, that ſuch a period ſhould have been cho- " ſen for the commencement of perſecution, and for the " commiſſion of every ſpecies of violence and deſolation."— An opinion which, from its ſource, and the occaſion upon which it was delivered, muſt be deemed concluſive.

Having eſtabliſhed this poſition, he ſhould proceed to ſhew that proper ſteps had not been taken to ſuppreſs theſe riots; that they had raged during three ſucceſſive days, to uſe the words of the noble and learned Lord who now preſides in the Court of Common Pleas, on another occaſion, " under the eyes of *patient* Magiſtrates." He had then in his hand thirty-ſix affidavits, *all* agreeing in ſubſtance, and all charging upon the Magiſtrates a groſs neglect of duty; and ſome carrying their charges to a much greater extent. Thoſe affidavits had long been under the eyes of His Majeſty's Miniſters, and the law officers of the Crown; ſome of them had been delivered to them ſo long ago as in the month of July, 1791; they contained matter of crimination againſt the Magiſtrates and others, and no ſteps had been taken in conſequence. Upon the face of the matter, Miniſters them-

selves appeared highly reprehensible. But on a former night, the Attorney General had attempted to invalidate the testimony contained in the affidavits, and the manner in which he had proceeded to do this, had been somewhat curious.—He had said, that Mr. Chamberlayne, the Solicitor to the Treasury, had been sent down, on purpose to take informations relative to the riots, and that the substance of these affidavits ought then to have been taken in the shape of informations. It was true, that Mr. Chamberlayne had been sent down; and it was universally allowed, that he conducted himself on that occasion with the utmost impartiality and propriety; but had Mr. Chamberlayne neglected to tell the Attorney General that it was with his *approbation*, if not by his *advice*, that persons who had complaints to make of the conduct of the Magistrates had adopted the method now for the first time complained of viz. of taking the evidence against them by way of affidavits, and sending them up to the King's Ministers. The learned gentleman had alledged that the evidence they contained was taken *ex parte*. Was not that the case with all evidence given before a Grand Jury, and with the evidence against the rioters, which had been given in informations before the Magistrates? and would not the same objection have been in force against the evidence contained in those affidavits, had it been shaped into information by Mr. Chamberlayne himself when he was on the spot? In their present state, the persons who had sworn to them could not be indicted for perjury; but if a motion were made upon them in the Court of King's Bench, the deponents would instantly become amenable to the law, in case they had sworn falsly. Even if this was not the case, it should appear sufficient ground for administration to have instituted an inquiry upon, that six-and thirty persons had concurred in their relation of matter of so great importance.

Mr. Whitbread then entered into the history of the riots and their circumstances as they have been generally known; taking particular notice of the inflammatory hand-bill,

which had made so much noise, and had sometimes been confounded with the advertisement for the dinner*, which had appeared some days before, and the circumstances accompanying its first publication; at the same time observing on the following hand-bill under the title of an incendiary refuted:

" *An Incendiary refuted.*

" A paper having been distributed in the town this morning, evi-
" dently calculated to weaken the attachment of the people to the
" present excellent form of Government, and to excite tumults
" similar to those which have produced the most atrocious murders,
" anarchy, and distress in a neighbouring kingdom: it is thought
" proper to apprize the good and peaceable subjects of this place,
" that *every position* in that seditious hand-bill is as *false* and *factious*
" as the *wretch* who composed it.

" The perfect enjoyment we now experience of every blessing,
" freedom, and protection a mild Government can bestow, is the
" best refutation of the detestable calumnies of the author of the
" hand-bill; and whatever the *modern republicans* may imagine, or
" the *regicidical propounders of the rights of man* design, *let us con-*
" *vince them*, there is enough of loyalty in the majority of the in-
" habitants of this country, *to support and defend their King*; and
" that we are not so destitute of common sense, as not to prefer
" the *order*, *liberty*, *happiness*, and *wealth*, which is diffused through

* The original advertisement was in the following terms:

" *Hotel, Birmingham, July* 7, 1791.

" Commemoration of the French Revolution.

" A number of gentlemen intend dining together on the 14th in-
" stant, to commemorate that auspicious day which witnessed the
" emancipation of twenty-six millions of people from the yoke of
" despotism, and restored the blessings of equal government to a
" truly great and enlightened nation; with whom it is our interest,
" as a commercial people, and our duty, as friends to the general
" rights of mankind, to promote a free intercourse, as subservient
" to a permanent friendship.

" Any Friend to Freedom, disposed to join the intended tempe-
" rate festivity, is desired to leave his name at the bar of the Hotel,
" where tickets may be had, at five shillings each, including a
" bottle of wine; but no person will be admitted without one.

" Dinner will be on table at three o'clock precisely."

On the second appearance of this advertisement, in the Birmingham Gazette, the following was likewise inserted:

" *On Friday next will be published, price one halfpenny,*

" An authentic list of all those who dine at the Hotel, Temple
" Row, Birmingham, on Thursday, the 14th instant, in comme-
" moration of the French Revolution.

" *Vivant Rex et Regina.*"

"every portion of the Britiſh empire, to the *anarchy*, the *licentiouſ-*
"*neſs*, the *poverty*, and the *miſery* which now overwhelm the de-
"graded kingdom of France.

"*Birmingham, Monday, July* 11, 1791."

Which appeared, he ſaid, in conſequence of the firſt; but ſo immediately did the ſecond follow it up, or rather they appeared ſo preciſely at the ſame inſtant, that it gave room for ſuſpicion that *both* were the production of the ſame author. Beſides theſe facts, which appeared to demand the inveſtigation of the executive Government, the affidavits contained more ſerious and alarming matter. It appeared, from Mr. Burne's reply to Prieſtley's appeal *, that the Magiſtrates, aware of the poſſibility of a tumult, had dined in town on that day (July 14th), purpoſely to keep the peace. The affidavits ſtated, that about three o'clock, a crowd was aſſembled round the door of the hotel, as the company were proceeding to dinner; that ſome of the mob hiſſed, and ſhewed ſymptoms of tumultuous diſpoſition, but did not proceed to any very great exceſſes. That the two Juſtices (Dr. Spencer and Mr. Carles), walked arm in arm through the crowd, enjoying their huzzaing, without attempting to diſperſe them. That the company dined, and diſperſed between five and ſix in the afternoon, without moleſtation. That, ſoon after ſeven, the mob were again aſſembled before the hotel, and the Juſtices came there; they were proceeding to break the hotel windows, when Juſtice Carles ſaid to them, that "the gentlemen who had "dined there had long left it, and deſired them to go peace-"ably home;" but he alſo aſſured them, that "the Juſtices "would protect them in every thing that was right, and "deſired them to take care to do nothing that was wrong." Dr. Spencer alſo made a ſpeech, and both the Magiſtrates joined in the huzzas of the mob, and the cry of "Church "and King," taking off their hats, and waving them round their heads. One of the crowd ſoon after aſked, "whe-"ther they would not give them leave to ſhake a little of

* Page 59.

"the powder out of Dr. Prieftley's wig." [A laugh in the Houfe.] Mr. Whitbread faid, the Houfe fympathifed with the Magiftrates, for they had alfo laughed upon this expreffion; they did not recollect, that had the hem only of this man's garment been touched on that day, his life was gone. After this joke had been received with three huzzas, one of the Magiftrates faid to the mob, "you are all hearty fel-"lows; if I had it in my power, I would make you all "drink," and then they both retired to the inn where they had dined, without attempting to difperfe the perfons affembled.

Some time afterwards, the mob had begun to break the windows of the hotel, and the Magiftrates again made their appearance. One of them affured the mob, that "the "gentlemen were all gone," and actually pulled two or three of them into the houfe to fee that it was fo. The fame Magiftrate was here heard to fay, "My friends, do not "revenge yourfelves upon this man; he gets his living by "making dinners for gentlemen; if you wifh to be re-"venged upon them, go down to their meetings." Inftantly, there was a general cry of, "to the New Meeting," and fome of the mob cried out, "to the New Meeting; "Juftice Carles will protect us;" and this in the hearing and prefence of the Magiftrate himfelf; others cried out "The Juftices fay we may pull down the meetings, but "not hurt any perfon's property." They proceeded immediately to the New Meeting, and deftroyed it, the Juftices not at all interfering to prevent them. While they were engaged in its deftruction, both the Magiftrates were feen in the ftreets at no great diftance; and at one time, Juftice Carles faid to a number of perfons riotoufly affembled round them, "Do not do any other mifchief than "pulling down the meetings, and I will ftand your friend, "as far as lies in my power." And about this time, after Juftice Carles had concluded a fpeech to the mob, with fhouting "Church and King for ever," one of them, who ftood near to the Magiftrates, cried out, "Damn it! what "is the meaning of Church and King?" To which an-

other replied, " Blaft your eyes! to burn all the meetings, " to be fure."

Thefe expreffions fhew the fpirit that actuated the perfons then affembled, but the Magiftrates turned away, and took no notice of them, and it cannot be wondered at, that the New Meeting was immediately afterwards in flames. The mob having finifhed their bufinefs, they went next to the Old Meeting, which they alfo deftroyed, in prefence of one at leaft of the Magiftrates, who, fo far from reading the riot act, or making any attempt to quell the tumult, faid, " he " was very glad they did not attempt to meddle with private " property." In this ftate of confufion was the town, when the Magiftrates, at a very late hour, thought proper to quit it, and retire to their own houfes at fome diftance, thinking perhaps, as the Attorney General had fuggefted on another night, that the mob would be fatisfied with the demolifhing of one or two meetings, and difperfe. That, however, was not the nature of mobs. The appetite for devaftation it was not in the power of man to gorge.

" There beft where ravin moft prevails,
" To ftuff that maw, that vaft unhidebound corpfe."

The next time that either of the Magiftrates appeared, in the hiftory to be collected from the affidavits, was at Dr. Prieftley's houfe. Doctor Spencer was prefent while the rioters were engaged in the demolition of that Houfe; and inftead of reading the riot act, or taking any ftep to difperfe them, he called feveral of them to him, and made them give an huzza, and join with him in the fhout of " Church and King," he then faid, " you " have done very well what you have done; don't hurt the " houfe; it does not belong to Dr. Prieftley; it belongs to " Mr. Lloyd, a Quaker, a refpectable gentleman by all that " know him." One of the mob faid, it belonged to Squire Taylor; another faid, it belonged to fomebody elfe; but feveral cried out, that " it belonged to he Prefbyterians, " and it fhall come down!" Dr. Spencer then retired, and when he was departing, " Take care, and do not hurt one " another." The mob huzzaed; followed him to the gate

that led into the turnpike road, and then returned to the house, which they demolished and burnt. Even so late as Sunday the 17th when Justice Carles was going to meet the soldiers, his post chaise stopped in one of the public streets, that he might inquire the way; and a number of persons having crowded round his carriage, it is stated, that he took off his hat, and waving it out of the window, cried "Church "and King for ever. My lads, be true to your cause; "stick to your cause; be of my determination, to lose the "last drop of blood in your body; I'm determined to lose "the last drop in mine. Don't leave them Presbyterian dogs "a place standing." He then huzzaed, and cried "Church "and King," at the same time he also flourished a drawn sword out of the window of the carriage, shouting "Church "and King for ever; down with the Presbyterians!"

Mr. Whitbread said, there was another gentleman with whom he believed the right honourable Secretary had been lately acquainted, who was also strongly criminated in these affidavits; he meant Mr. Brooke, who is stated to be a Deputy Under sheriff for the county of Warwick. Several gentlemen, it seems, were assembled upon the steps of his door, (his house being described as situated near the hotel) when the company were going in to the dinner, encouraging the mob to insult them. And one of the gentlemen said aloud, "he "would give a guinea to any person who would fetch the "first out of the room by the nose, and lead him round the "church-yard." Another gentleman was heard to say, that "Mr. Brooke would give away a half-hogshead of ale at "night." Late in the evening, after the windows of the hotel were broken, it appears, that a numerous party were regularly drawn up before the House of Mr. Brooke; that he came out, and addressed them in a low vocie and "ap-"peared to be giving them something," and then holding his arm up over the heads of the multitude, pointed to Bull street, which leads to the New Meeting, and immediately there was a cry of "To the New Meeting—To the New Meeting," among those to whom he had before addressed himself, and they run towards the New Meeting; the mob assembled before the hotel also dispersing, and following them. In the

course of the evening, he was seen with the Magistrates before the hotel huzzaing with the mob, and crying out "Church and King." On the Friday, when the house of Dr. Priestley was in flames, Mr. Brooke, with two other gentlemen, rode up to the house of Mr. Humphreys, before which a number of rioters were assembled, and threating to destroy it, and addressed them in these words: "My "lads, you see your power; my boys, you see that if any "attempt is made against the Government of this country, "you have it in your power to quash it. You have done "enough, now go home," and immediately after this exhortation, went away, leaving the rioters still assembled before Mr. Humphreys' House. He afterwards addressed the mob at Mr. Ryland's, nearly in the same terms; "Gentlemen," said he, "I applaud you for what you have done; "but stop here; this is private property; though these are "the men who wished to overturn the constitution, we "have other means of redress," but took no other steps at that time to disperse the mob; and they contrived to destroy the House, and afterwards burnt it.

These things appeared in affidavits, that were not contradicted; he did not say that they were all true, but he would say that the executive Government had acted in a manner highly reprehensible not to have instituted an inquiry into these facts. He knew he should be told that the inhabitants of Birmingham had voted their thanks to the Magistrates for their conduct during the riots. He hoped they were right in this vote of approbation; he should be glad of it, for the honour of human nature, and for the honour of England; but notwithstanding this, when such serious charges were made against men, it was the duty of the executive Government to inquire whether such charges were true, and he thought they were answerable for the delay that had already taken place. All he had stated, he believed, would appear, if any inquiry should be granted; and he called upon every man of any weight in that House to support him in this instance, because he felt it was essential to the character of the British nation. He could produce

at the bar of that House, other facts, besides those which he had opened, tending to criminate the Magistrates of Birmingham. To impress the idea, that a small force at the commencement would have stopped the rage of the mob, he observed, that at the house of one person, which the mob had marked for destruction, three gentlemen had determined to resist; one of them fired a pistol, loaded with powder only; the moment he thus fired, the mob did not stay to enquire whether any person had been wounded, but all immediately fled; the same means would, at any other place, have proved equally efficacious. A recruiting party happened at this very time to be at Birmingham. They were offered for the service of the Magistrates, to repel the mob, and an officer said that he would lead them on, and stop the riot; they were accordingly drawn up, but the Magistrates refused their assistance, and dismissed them.

It had been asserted, that the Dissenters, in their address to the King, had virtually declared that they had met with every possible assistance from the Magistrates, as well as from the executive Government; but if the address was consulted, it would be found to speak a different language. It says, " Assured not of our innocence alone, but of our " unalterable attachment to your august person, and to the " succession of your Royal House, we respectfully claim " your Majesty's continued protection and favour, and beg " leave most earnestly to assure your Majesty, we have no " thoughts of disturbing the constitution. We are the de-" scendants of those to whom (as the annals of our coun-" try will testify) the revolution, which secured to your " illustrious house the Crown of these kingdoms, was great-" ly indebted. *The civil constitution of our country, is our* " *pride and our glory*; which we have been taught from our " infancy to revere, and which we would die to preserve. " Indeed, Sire, though deeply afflicted by the late riotous " devastations, *and by the want of energy in the civil power*, " yet we speak from hearts that are actuated by the love of " law, of peace, of order, and good Government. Sensible of your Majesty's *goodness, in the vigorous measures which*

"*have been adopted for suppressing the outrages, which a lawless*
"*banditti were spreading* through this place and its environs,
"we offer you the warmest tribute of our gratitude, for the
"happy deliverance we have experienced by the wisdom of
"the measures planned by your Majesty's Ministers, and by
"the energy and promptitude with which they were so suc-
"cessfully executed;" evidently referring only to the speedy succour which had been given, by sending troops, when they had been applied for. And he did not wish to omit that opportunity of doing justice to the vigour, activity, and conduct of Captain Polhill, who commanded the first party which arrived; but it was a remarkable circumstance, that till the Friday no troops had been sent for at all, although the Magistrates had been repeatedly urged on that point; and he believed, that at last they had come in consequence of a letter written by a private individual to Lord Hawkesbury, and not of any official requisition.

A party of horse arrived on Sunday afternoon, and upon their first appearance the mob vanished.

The riots, Mr. Whitbread said, were now at an end; but still the Dissenters had cause to complain of the spirit or persecution which raged against them. The passions of the populace had been excited by the most inflammatory publications, and the Dissenters had hoped that Government would have done them justice, and prosecuted their authors. It was under this idea that the Dissenters had desisted from prosecuting the printers of the newspapers for an infamous paragraph which appeared a few days afterwards, reflecting on those who had attended the celebration of the French revolution, and charging them with high treason. Mr. Whitbread then noticed the difficulties which had been thrown in the way of the sufferers, in their attempts to bring offenders to justice; but particularly the pardons which had been granted to two of the convicts.—For extending the Royal mercy to *one*, no reason whatever had been assigned; and it unfortunately happened, that *the other* was pardoned upon evidence taken in an extrajudicial way, and bearing too great a degree of similarity to the famous case of M'Quirk.

Mr. Whitbread, in order to shew that he was calling upon the House to do nothing new in taking cognizance of the mis-

conduct of the Magistrates on the present occasion, stated various precedents of cases, in which they had been prosecuted or punished for neglect of duty, in not suppressing riots. He mentioned particularly the addrefs of that House presented in 1715, on the subject of the Staffordshire riots, praying George the First to give orders that the Magistrates should be struck out of the commission of the peace; and he was pleased graciously to comply with their request; the case of a Magistrate in Devonshire, against whom Sir Dudley Ryder, when Attorney General, had filed an information for not reading the proclamation in the riot act to rioters plundering a wreck; and that of Sir Brackley Kennett, in our own time, who was prosecuted for not exerting himself for suppression of the riots in 1780, during his Mayoralty; was tried, convicted, and bronght up for judgement in the Court of King's Bench; but at the recommendation of the Lord Chief Justice (Lord Mansfield) his sentence was postponed, and shortly afterwards he died without any having been passed upon him.

He took notice of the petition for compensation of damages, which had been offered, to be presented on that day, by a worthy Baronet (Sir Robert Lawley), which rendered it unnecessary for him, for the present, to say any thing on the subject: he hoped it would meet with due attention from His Majesty's Ministers. It was highly necessary it should do so; for though the Dissenters had recovered a large sum, not less than 37,000l. in the Courts of Law, yet, if the whole amount of their demands was complied with, they would still be great sufferers.

Having thus gone through the whole of what he had to offer to the House, Mr. Whitbread said, he certainly should have troubled them no longer, contented, whatever might be the fate of the motion he should offer, with having done his duty. But, having been charged with indiscretion for agitating this question, he could not help saying a few words in vindication of his own conduct upon the occasion. Indeed he had little expectation to have heard the charge from the quarter whence it had proceeded (Mr. Dundas). That right honourable gentleman had on a former night called upon his right honourable friend (Mr. Fox) for the explanation of what he had termed an irregular gesture, which seemed to point at the conduct of administration upon the subject of the Birmingham riots; he

then could not fit easy under the flightest imputation of neglect or misconduct; and yet, when he had given notice of his intention to agitate the question in the House, the right honourable gentleman had expressed the utmost alarm, and had begged him for God's sake not to do so imprudent a thing; when all was quiet, not to revive a dying flame. But let the House consider in what state of quiet the inhabitants of Birmingham really were; the weak were oppressed by the strong. It was his object to inform the country, that the weak would not be suffered to fall a sacrifice to the strong, but that all should receive equally the protection of the law whenever their rights were invaded, whatever their religious opinions might be. To what extent did the doctrine of the right honourable Secretary not go? The more riots happened, the more dangerous would it become, as he had observed before, to bring the authors, and abettors of them to justice. The right honourable Secretary might sit with the patience of Job to hear of outrages committed on the Dissenters in every part of the kingdom, till at last, like Job's messenger, one would arrive and say, "I only am left alone to tell thee."

Since he had come into the House that evening, Mr. Whitbread added, he had heard, that even since the notice he had given of his present motion, another riot had taken place at Birmingham; and the Magistrates had refused to act, or read the proclamation in the riot act. If that were true, and he had no reason to doubt it, the necessity became pressing, indeed, upon him to urge the House to take cognizance of their conduct. A stronger argument could not be used to shew the propriety of the House adopting the following address. He then moved,

"That an humble address be presented to His Majesty,
"humbly praying His Majesty to give directions, that there
"be laid before this House, an account of such informations
"as have been laid before His Majesty's Ministers, concern-
"ing the conduct of the Magistrates of the county of War-
"wick, as far as the same had any relation to the riots at
"Birmingham in July 1791, and the trials of the rioters;
"and also of such measures as have been taken by His Ma-
"jesty's Ministers, for the purpose of proceeding according

" to law againſt ſuch Magiſtrates as may have appeared to " have neglected their duty ; and alſo, that His Majeſty will " be farther pleaſed to order an account to be laid before this " Houſe of any intelligence that may have been received by " His Majeſty's Miniſters, relative to ſuch of the authors " and inſtigators of the ſaid riots, as have not already been " proſecuted according to law."

The motion being read,

Sir ROBERT LAWLEY ſaid, he had lately had information which confirmed the account of the inhabitants of Birmingham being pleaſed with the exertions of the Magiſtrates at the time of theſe riots, and had in his hand a paper, ſigned by many reſpectable people, (Mr. Curtis, Mr. Carver, and others) declaring, that ſeeing by the votes that the honourable Member had given notice of his motion, they thought it their duty to teſtify their approbation of the conduct of the Magiſtrates. The motion he conceived to be highly imprudent, and thought that the honourable mover had raked up the embers of a dying flame. He would not aſſert that it was entirely a political riot, but he was firmly perſuaded, that if there had been no political meeting on the 14th of July laſt, there would have been no riot at Birmingham.

Mr. Secretary DUNDAS, after ſaying he regarded all mobs with equal abhorrence, whether religious or political, and that if any inquiry was neceſſary, the conſideration of what had produced the riot would be out of the queſtion, and alſo that, as far as regarded himſelf perſonally, he had not the ſlighteſt objection to inquiry; and after hinting, however, that the political meeting, which, whether innocent or not, was certainly, at that time, unwiſe, was the chief cauſe of the riot, proceeded to the reading of the following hand-bills, which, he ſaid, had a great effect on the minds of the people at Birmingham :

" *My Countrymen,*

" The ſecond year of Gallic liberty is nearly expired. At the " commencement of the third, on the 14th of this month, it is " devoutly to be wiſhed, that every enemy to civil and religious " deſpotiſm would give his ſanction to the *majeſtic common cauſe*, " by a public celebration of the anniverſary. Remember, that on " the 14th of July, the Baſtile, that " high altar and caſtle of Deſ-

" potism," fell. Remember the enthusiasm, *peculiar* to the cause
" of liberty, with which it was attacked. Remember that gene-
" rous humanity that taught the oppressed, groaning under the
" weight of insulted rights, to save the lives of their oppressors!
" Extinguish the mean prejudices of nations; and let your numbers
" be collected, and sent as a free-will offering to the National As-
" sembly.

" But is it possible to forget that your own Parliament is venal?
" Your Minister hypocritical? Your Clergy legal oppressors? The
" reigning Family extravagant? The Crown of a certain Personage
" becoming every day too weighty for the head that wears it? Too
" weighty for the people who *gave* it? Your taxes partial and ex-
" cessive? Your representation a cruel *insult* upon the sacred rights
" of property, religion, and freedom?

" But on the 14th of this month, prove to the political syco-
" phants of the day, that you reverence the olive branch; that you
" *will* sacrifice to public tranquillity, till the majority *shall* exclaim,
" *The peace of Slavery is worse than the war of Freedom.* Of that
" moment let tyrants beware."

The most violent of them, it was true, could not be konwn, so as to find out its author. Each party had given it to the enemy, but it was clear that as soon as inquiry was set on foot, and a prosecution talked of, a dissenting Minister, who had long resided there, disappeared at once, went abroad, and was no more heard of. This was not conclusive evidence, but it was a circumstance carrying with it strong suspicion, and that suspicion to this day had not been removed.

The substance of the present motion he took to be founded; 1st, On the steps taken by Government to quell the riots; 2dly, The care taken to discover the rioters; 3dly, The steps taken to bring them to punishment; 4thly, Lenity shewn to those who had been tried; lastly, The reason why Ministers did not proceed to try the Magistrates. On each of these points he expatiated for some time. On the first he gave an account of the intelligence received, which he maintained to have been brought to town in the morning of Friday, the riot having commenced only on Thursday afternoon. He said, that in this case the Earl of Aylesford had conducted himself in a manner highly praiseworthy. He alledged also, that all possible expedition was used to send for troops for the purpose of quelling of

these riots; for it was known to be impossible to quell the riots without a military force. The intelligence came to him about ten o'clock in the morning on Friday. Instantly dispatches were sent to Nottingham, 133 miles. From thence to Birmingham, the distance was 56 miles. The troops marched immediately, and they arrived at Birmingham about three o'clock in the afternoon, on Sunday.— In this part of the business there was certainly no remissness on the part of Government, and the riots were pretty well got over on Monday.

The next step was the discovering the rioters; and here again Government had done all they could. They sent down the Solicitor of the Treasury, and with him an able Counsel, and a very active Magistrate, to discover the offenders. Here he read the instructions given to these gentlemen, all shewing that the greatest vigilance was used on the part of Government to discover the offenders. He also read a letter from the Solicitor of the Treasury, when at Birmingham, giving an account of a conversation he had with Mr. Russell, upon the subject of taking informations against the Justices, purporting, that under the circumstances, he had agreed with Mr. Russell that affidavits should be made of the facts thought material against the Magistrates, and that they should be sent to the Secretary of State. From this letter, he argued, that when the Solicitor of the Treasury had offered to get any facts, tending to criminate the Magistrates, taken in the form of information, the Dissenters themselves had declined it, and preferred the less satisfactory way by affidavits. The next point was the bringing of the rioters to punishment. Twelve of them had been reported to be deserving of trial. They were all tried—The jury acquitted eight of them. It was true that some persons in Court doubted of the propriety of their verdicts of acquittal. However, the jury resented the imputation. Whether they were right or wrong he could not say. All that he had to maintain was, that their acquittals were not the fault of Government. The next point was the lenity shewn to those who had been convicted. Four

of them ſtood in that ſituation. One of theſe was pardoned upon a principle which always, he believed, guided the Council of His Majeſty, always, at leaſt while he had the honour to be of that number, it was a principle which appeared to him to be the moſt juſt and rational—that of following the report of the Judge. In this caſe the Judge had reported favourably, and therefore he was pardoned. But the caſe of the other was very different. Two days before the time at which the execution was ordered, he received a letter from Sir Robert Lawley, ſtating, that very particular facts had been diſcloſed with regard to this priſoner, and beſeeching on his behalf that a reſpite of fourteen days ſhould be ſent down to him—There was no time to deliberate, the reſpite was ſent; but with it directions to inform the priſoner not to flatter himſelf with hopes of mercy, unleſs it ſhould appear that every ſyllable that had been urged in his defence was true; in the mean time directions were given to examine into the facts, and a gentleman went down to croſs-examine theſe witneſſes, as if they had been interrogated in Court. The reſult of the evidence was, that this poor fellow was an honeſt hard-working mechanic; that he was ſeen in a houſe that was on fire at the time of the riots; and that he had actually taken up ſome of the boards of a floor that confined the ſmoke; and by doing ſo, had ſaved the lives of ſeveral people who were then in the houſe, and that he did it with that intent. The gentleman ſent down to croſs-examine theſe witneſſes had made this report; to which he added, that he verily believed, that if this poor man was executed, an innocent man would ſuffer. This was not all. He waited until the learned Judge who preſided at the trial arrived in town, who was then near 300 miles off. When he arrived, he ſent that report to him, and requeſted him to look it over; to compare it with his own notes at the trial, and to give his opinion on the reſult. The learned Judge did ſo; and afterwards ſaid, that he ſaw nothing in the report that was inconſiſtent with any part of the trial; that it was clearly poſſible; and added, that if that had appeared at the trial, it might have been a ground

for the jury to have acquitted the prisoner. These were the real terms on which he had advised His Majesty to extend his Royal mercy to those persons, and he was far from wishing to shelter himself behind the prerogative of the Crown in this case. On the contrary, he held himself responsible to that House, whenever called upon, to account for the advice he gave the Sovereign to pardon a criminal, as well as any other advice. With respect to Government declining to institute prosecutions against the Magistrates in question, he observed, that he followed the advice of the Attorney General, who on the most mature deliberation of the various cases, was not of opinion, that there was a probability of conviction in those cases; and that prosecutions might, perhaps, affect and injure the applications about to be made for pecuniary compensation to those who had sustained losses. He did not expect that these Magistrates, in the time of such tumult and danger, should be quite accurate either in their expressions or their conduct; but he was far from being sure that those who heard them, heard correctly enough to exclude all possibility of mistake. However, the truth was, that Government, if it had the wish, had not the power to prevent prosecution in these cases, it was always open to every man in the kingdom, either by indictment or information, as he should think fit to bring the matter forward. And if the Dissenters were dissatisfied, they might prosecute the Magistrates themselves; they were not prevented by the acts of Government. He made many other observations; particularly, he said that he agreed with the honourable gentleman who had made the motion, that there might be a persecution of sectaries from the established pulpits; but there might be a persecution of the Church by sectaries. Having made other observations, he concluded by repeating, that as far as regarded himself personally, he had not the shadow of objection to the proposed inquiry, and he should wish the House to discuss the matter freely. Whatever way it was determined would be perfectly agreeable to him; the House would exercise its own judgement.

Mr. WHITBREAD explained, and obſerved he made no accuſation ſpecifically; all he had ſaid was relative to the policy of this country ſuffering ſuch imputation on the diſtribution of public juſtice.

Mr. WINDHAM ſaid, conceiving the ſubject to require very little obſervation, he ſhould be ſhort in what he ſhould ſubmit to the Houſe; but the right honourable gentleman (Mr. Dundas) had introduced ſo many circumſtances into the debate, that had no reference to the ſubject before the Houſe, that he wiſhed to diſmiſs them from their attention, and point out the very ſmall compaſs in which the real merits of the queſtion were compriſed. The queſtion, Mr. Windham ſaid, was, ſimply, whether the Magiſtrates acted properly; or whether, which he feared was the fact, their conduct had not been influenced by the animoſities of the place? There was an eſſential difference between the cauſe and the occaſion of any event. If it were true, that had no hand bills been publiſhed, nor any meeting taken place, diſturbances would not have happened, it was equally true, he obſerved, that had no religious difference ſubſiſted, previous to that meeting, and antecedent to the publication of thoſe hand bills, no tumult would have occurred.

He complained very much of the manner in which the Diſſenters were treated in this country. There was a diſpoſition to run them down by violence, and to ſhut them out from juſtice. We ſhould take care that they ſhould not have ſo many reaſons to be diſſatisfied.

Mr. JENKINSON contended againſt the motion, and thought it unneceſſary to inſtitute an inquiry, by the extraordinary means of the Houſe of Commons, when the ordinary mode of appealing to the laws would afford every redreſs required; and the Diſſenters themſelves might, if they pleaſed, inſtitute proſecutions againſt the Magiſtrates, founded on thoſe affidavits. He argued, that thoſe affidavits were not entitled to full credit, becauſe they had been taken before Diſſenting Juſtices of the

Peace; and he said that the House ought not to institute an inquiry, when the persons who were supposed to be injured did not desire it, and when no individual had made any complaint to the House. If those who suffered most remained silent, it became not Ministers to step out of their way, or Parliament to make that a matter of inquiry which concerned individuals only.

Captain FINCH said, it was true there were recruiting parties at Birmingham, but they had no arms, and could be of little service. He adverted to the mention of the hand-bill, to which the name of Lord Aylesford was subscribed, and hoped that it was not introduced with a view of reflecting on the conduct of persons who had done every thing in their power to suppress the riots.

Mr. WHITBREAD said, he had mentioned it not as reflecting on any individual, but as disgraceful to the police of the country, that persons in the actual violation of all law should be addressed by Magistrates by the appellation of friends and fellow-Churchmen.

Mr. LAMBTON said, that without a formal complaint from any set of men, the facts stated in the affidavits were sufficient to call for an inquiry into the conduct of the Magistrates. The House, they were told, must not inquire, for fear of raking up the smothered embers of dissention. Was this an argument to be endured for a moment? And was that House to be told, that abuses actually committed, must be passed over in silence, lest some persons should be provoked to commit fresh ones! To say this, he remarked, was to avow that the Government of the country was too feeble to protect or to punish. It was of little importance to the House whether the pretext for the riots was of a political or religious nature; but it was of great importance to the Dissenters, and they felt it to be so. That it was purely religious,—the cries of "Church and King," and the conduct of the mob, fully proved, beyond a possibility of doubt.—Mr. Keir, a member of the Church of England, was Chairman of the meeting, assembled on the

14th of July. His property was not touched by the rioters; but the houses of Mr. Taylor, and other gentlemen, who were not at the meeting, and were even averse to it, were destroyed. They were Dissenters, and it was evident that not their political, but their religious opinions were looked to upon the occasion. The dissenting Clergyman, to whom the inflammatory hand-bill was imputed, on account of his absenting himself from the country, he understood to be absent, because his house had been burned, and he could neither afford to rebuild it, nor sue for the damage he had sustained, and because there was a doubt, in point of law, to whom the house belonged, and a Chancery suit must be determined, before it could be ascertained in whose name the action should be brought. Long before the dinner of the 14th of July was thought of, had the Clergy of the established Church at Birmingham preached and printed, in the most unqualified terms, against the Dissenters; for proof of which, he would read the following extracts from a sermon of the Reverend Mr. Madan's, Rector of St. Phillip's, preached in 1790:

"It is farther," says that Clergyman, "to be considered, that the Presbyterian principles are unquestionably "*republican*;" and this observation, in a subsequent publication, he declares he intended to apply to the Dissenters *in general*. In another place, he says, "it is necessary to "remark, that the principles of the Socinian doctrine in "this place, are evidently gaining ground among the Pres-"byterians, and certainly those principles are not more "consistent with the doctrine of the established Church, "and no less dangerous to the State, than any of the te-"nets of Popery." And again, "Is there no reason to "receive with suspicion their declarations of reverence to "the Government, and of loyalty to the King, (however "speciously and pompously announced) when the amount "of that reverence has been exactly ascertained, by a woe-"ful experience of republican tyranny, and that loyalty "has been exactly delineated with the blood of a King."—

He would not trouble the Houſe with farther quotations; theſe were ſufficient to ſhew that the unhappy diſturbances at Birmingham had originated in the narrow bigotry, and intolerant ſpirit, of the Clergy.

He drew a contraſt between that religion which teaches charity and brotherly love, and that abuſe of it which produces only mutual hatred and perſecution. Could the Almighty accept that worſhip which came reeking from outrage, conflagration, and deſtruction? Perſecution was a dangerous weapon, either for a divine or a politician.—It often failed to ſtrike thoſe againſt whom it was aimed, and recoiled on the heads of thoſe who attempted to wield it. If the affidavits were true, the conduct of the Magiſtrates had been highly culpable, and in juſtice to themſelves, if innocent, and to the country, if guilty, the charges contained in them ought to be inquired into.

Mr. CURWEN ſaid, the affidavits laid ſo ſtrong a ground for inquiry, that he was aſtoniſhed no ſteps had been taken upon them by the Officers of the Crown. Favourably as he was diſpoſed to think of the learned gentlemen, whoſe duty it more immediately was to take thoſe ſteps, he ſhould think it his duty, if nobody elſe would do it, to make a motion againſt His Majeſty's Law Officers, for having neglected to inſtitute an inquiry. Inſtead of iſſuing proclamations to teach the people their duty, it would better become the Houſe to ſet them a good example, by performing the duty with which they themſelves were entruſted, and taking care that perſons in high official ſituations did their duty alſo.

The ATTORNEY GENERAL ſaid, the affidavits were not taken in ſuch a way, or with ſuch a careful examination of circumſtances, as he thought indiſpenſably neceſſary; and he declared he would never put a charge on record againſt Magiſtrates, who were always to be conſidered as volunteers in the public ſervice, on ſuch evidence; evidence, which was taken *ex parte*; not in the preſence of the perſons accuſed, and without any croſs-examination of the witneſſes. Nothing leſs would ſatisfy him, than evidence collected with the ſame care and precaution that had been employed in taking the informations on which the proſecutions of the rioters had been founded, and

which informations were taken publicly, and where the witnesses underwent a cross-examination.

He recapitulated the advice he had given to the Secretary of State, and the steps taken in consequence, by sending down one of the Solicitors to the Treasury, with proper Counsel, to aid the Magistrates in taking the informations, and said he would have gone himself, had not the other business of his office detained him in town. His next care, he said, was that the trials at Warwick and Worcester should be properly conducted; and to name the Counsel who appeared there for the Crown, was to suggest to every gentleman who heard him, the highest ideas of ability and honour. Some verdicts of acquittal had been complained of; but such was his reverence for the decision of a jury, that he always supposed they must have seen something, on which to form their opinion, which he could not see, from the mere perusal of the evidence. It had sometimes happened to him, that when he was in Court, he had thought the decision of a Jury wrong, but on conversing with some of them on the subject afterwards, he had been convinced that they were right, and he had been in the wrong. Mr. Russell, who sent up the affidavits, had been pressed to collect the evidence on the conduct of the Magistrates, while the gentlemen sent down by Government were at Birmingham, and let informations be regularly taken, but he had declined the business, as imprudent at that moment. His reasons were, that while those very Magistrates were assisting in taking informations against the rioters, to take informations against them, before other Magistrates, might throw discredit on their proceedings, as it would give rise to a belief that the actual rioters were the ignorant instruments, and entitled to lenity, while the Magistrates were the authors of the mischiefs, and the only fit objects of punishment. He had himself also thought it dangerous to bring forward charges against men much esteemed in the county, while the claims of the sufferers for indemnification were depending, because it might have excited such a degree of prejudice and party spirit as would have prevented an impartial trial; and therefore, for the sake of the sufferers themselves, he had thought it most prudent to postpone any inquiry. The affidavits might be ground for an inquiry to begin *de novo*, and to be conducted with all the pre-

caution which he thought indiſpenſable, but they were no ground for a ſpecific proſecution. They were contradictory in themſelves; for inſtance, there were paſſages in them tending to ſhew that the Magiſtrates had actually encouraged the burning of houſes, while others only proved, that, being but two againſt thouſands, they had endeavoured to conciliate, inſtead of intimidating, and to leſſen the miſchief which they could not entirely prevent. Nothing was more dangerous than to truſt to contradictory evidence of expreſſions, uttered in a moment of alarm, ill underſtood, and imperfectly recollected.—So looſely were the affidavits taken, that when he read them, he could not diſcover what ſpecific crime they were meant to point at; for ſome of them tended to ſhew that the Magiſtrates were principals in felony, others to charge them only with a miſdemeanor, by neglect of duty. But after all, if the Diſſenters wiſhed to make uſe of the affidavits, they were ſtill at full liberty to do ſo; they might take upon themſelves the proſecution of the Magiſtrates, though Government ſhould decline it, whenever they thought fit.

He felt no anxiety about the motion now made, and only wiſhed to ſhew that all had been done by him, to the beſt of his judgement, that could be done. He was not of a diſpoſition to aſk any man who applied to him for juſtice,—" In what manner " do you ſay your prayers?"—and he hoped the honourable gentleman would read and compare the ſeveral parts of the affidavits with as much attention as he had done, before he founded any motion of cenſure upon them.

Mr. CURWEN ſaid, he had come down to the Houſe, determined, in his own mind, to vote againſt the motion, but that, by the ſtatement and arguments he had heard, and the peruſal of ſome of the affidavits themſelves, ſince the debate began, he had been induced to change his ſentiments; and he not only thought a public inquiry into the conduct of the Magiſtrates highly neceſſary, but was ſurpriſed the Miniſters ſhould oppoſe it. In one of the affidavits there was the following paſſage, expreſsly charging one of the Magiſtrates with having encouraged and directed the proceedings of the rioters.

One perſon ſwears, that " ſoon after nine o'clock on the " 14th of July, he came into Bull ſtreet, at that end next

" Steel-house lane, and there he found a number of people " called together, and shouting; and the general cry was, " Down with the Presbyterians." He then advanced a little farther, " and saw the Reverend Dr. Spencer, and J. Carles, " Esq., and came within a few yards of them; they were " then standing with their backs to the gates of the front of " Dr. Parrott's house, and upon the cry from the mob— " Down with the Presbyterians," this deponent (says the af- " fidavit) distinctly saw the said Dr. Spencer and J. Carles " both take off their hats, and wave them round, and say, " Aye, my lads, down with the Presbyterians." This de- " ponent saith, the said J. Carles then addressed himself to " the mob, and said, " We suppose you are Churchmen, " and as such we expect that you will remember your King " and Church: you may see what *they* are at, (meaning, as " this deponent understood and believes, the Presbyterians) " therefore down with the Presbyterians." This deponent " saith, the said Dr. Spencer and J. Carles then took off " their hats, and shouted, " Huzza!" and the mob joined " them."

Mr. W. SMITH said, that from his personal knowledge of the circumstances, he was prepared to have redeemed the pledge he had given on a former day, by proving, in opposition to the then assertion of an honourable Baronet, (Sir Robert Lawley) that the riots at Birmingham were of a religious, and not of a political, nature; but as that gentleman had not thought fit to maintain the extent of his proposition, he would not trespass on the patience of the House, by going again over beaten ground. He must, however, observe on the state in which the honourable Baronet meant now to leave the question, that the distinction made by an honourable gentleman (Mr. Windham) between the *cause* and the *occasion* of any event, was perfectly just, clear, and applicable; for in this case, they were entirely, if not designedly, confounded. The meeting on the 14th of July last might have been the *occasion* of the riot, but the *cause* was a malignant and persecuting spirit, raised against the Dissenters, chiefly since their last application for the repeal of the Test laws, and which was only waiting for some occasion to break

out into violence: as for the charge which had been made on them, of having excited this furious ill temper by their own writings, its origin was far more easily discoverable in those of their opponents. In proof of this assertion, he would take the liberty of making a few short quotations from two invectives called sermons, preached at St. Philip's in Birmingham.

In that of Dr. Croft, on the 3d of January 1790, were the following passages: "It is the firm belief of our Clergy, "that while their meeting houses are open they are weaken-"ing and almost demolishing the whole fabric of Christia-"nity."—"The right of voting at elections, and of sitting "in Parliament, cannot, unfortunately (as we think) be "taken from the Dissenters;"—but "it would be desirable "to exclude from the British Senate all those who are led "away by their plausible arguments."—"The future desti-"nation of Sectaries is left to the searcher of hearts; and it "is the duty of the civil Magistrate to disable them, if he "can, from being mischievous in this world."—"The fa-"bric of our constitution was built on a solid foundation: "the Dissenters wish to destroy it." Mr. Madan, on the 14th of February, animated with the same soul, and determined to equal the courage and candour of his predecessor, asserted, from the same pulpit, that—"The Presbyterian "principles are unquestionably republican."—"The Soci-"nian doctrine is evidently gaining ground *in this place*, and "certainly those doctrines are no less dangerous to the State, "than any of the tenets of popery."—"Their, (the Dis-"senters) possession of Offices, has been proved incompa-"tible with the welfare of the established Church, and the "safety of the civil Government. The amount of their re-"verence for the Government has been exactly ascertained "by a woeful experience of republican tyranny; and the "extent of their loyalty has been exactly delineated with the "blood of a King." He would not, Mr. Smith said, insult the understanding or liberality of the House, by entering into a refutation of such absurd calumnies, or waste time in exposing ignorance so excessive, and bigotry so contemptible. He should not have thought even the indignancy of spirit worthy

of notice, had it not been for the obvious tendency of ſuch inflammatory accuſations to produce thoſe abominable miſchiefs which had ſince been parpetrated; and it certainly was not very wonderful that the inveteracy which could go ſuch lengths to render the objects of its own hatred odious to the vulgar, ſhould be prepared to connive at thoſe exceſſes which it had contributed to occaſion. As for the incendiary hand bill which had been ſuppoſed more immediately to have raiſed the paſſions of the populace, as it certainly was the work of an anonymous unacknowledged individual, and had been equally reprobated by both parties, it appeared to him of no importance to either ſide of the queſtion, to aſcertain the author. He thought it but right, however, to ſay that the moſt intimate and boſom friends of the perſon on whom it had been attempted to fix it, were entirely ignorant of the matter; a preſumptive argument againſt the truth of the imputation, or a proof that the meaſure, even in his own opinion, was unlikely to meet with their concurrence.

With reſpect to the motion propoſed, Mr. Smith ſaid, he was convinced it was well grounded, and highly proper.—The affidavits he knew to contain ſtrong evidence of egregious miſconduct in ſome of the Magiſtrates, nor could he approve the manner in which it had been attempted to invalidate that teſtimony.

An honourable gentleman (Mr. Jenkinſon) was totally unfounded in aſſerting that the depoſitions had been made before a diſſenting Juſtice of the Peace, in whom ſome partiality might be ſuppoſed. The gentleman alluded to, indeed, (Mr. Ruſſell) whoſe conduct had been extremely laudable, had exerted himſelf in diſcovering and apprehending many of the criminals, and in bringing forward evidence againſt them; but moſt of the deponents had been examined by a very reſpectable Barriſter, who had gone down to Birmingham with Mr. Smith himſelf, chiefly for that very purpoſe. The affidavits were all ſworn before a Commiſſioner of the Court of King's Bench;—and he muſt take leave to declare, from his own recollection, that this mode of proceeding, which had now been excepted againſt by the Attorney General, as ſuſpicious, had been approved of at the time by the Treaſury

Solicitor, on account of the difficulty which was then experienced in persuading persons to come forward as witnesses at all, and especially against gentlemen in such situations. He was sure, that if every Member of the House had had the opportunity of reading those affidavits, there would have been but one opinion respecting the existence of the evil complained of, viz. a neglect or misconduct so gross as to justify strong suspicions of connivance, and to demand an inquiry into the behaviour of the persons accused. Allowing that some of the expressions which had fallen from the Magistrates had been wrested by mistake, misapprehension, or prejudice, to a criminal meaning not intended, and setting these totally aside, sufficient proof would yet remain, that the general tenor of their language and conduct, was such as to impress the minds of the people with a full persuasion, that what they were doing was not disagreeable to these conservators of the public safety, and that they incurred no risk of punishment. "To "the New Meeting, Justice Carles will protect us"— "Justice Carles sent us down here"—"Damn me! the Jus-"tices say we may pull down the meetings, but not hurt "any body's property," "the Justices will protect us."— These, and expressions similar to these, were perpetually in the mouths of the rioters, and repeated in the hearing of these very Justices. It had been attempted, in some measure, to defend them, on the just observation of the honourable mover; that "when once the appetite of a mob for plunder was "excited, it was almost impossible to gorge it;" but surely, on this account, they could only be deemed more culpable for not having used the proper, or indeed, *any means* to crush the first appearances of commotion.

The Dissenters had also been charged, Mr. Smith said, with an unjustifiable delay in this affair, which they might at any time have brought forward; but their conduct he thought perfectly defensible, and easy to be accounted for; and certainly, it did not well become the learned gentleman to attack them on that ground, when he had stated the many good reasons which had induced him to act in the same manner.— With the Dissenters those motives might be allowed to have at least equal weight. If not in maintaining the honour of

the public justice of the country, they might be supposed as deeply interested as the learned gentleman himself, in the issue of the trials depending for the damages they had suffered; and when some verdicts had been given of such a nature as to occasion the suspicions and the well-known remarks of an honourable and learned and most respectable gentleman, who had been employed for the prosecution, it surely gave great colour to their apprehensions, that so many obstacles already existed to the course of Justice, as to render it imprudent to run the risk of increasing them by any imitation not absolutely necessary. Mr. Smith was proceeding to remark on the conduct of one of the juries, when, being called to order by Mr. Cawthorne, he said, that not having received an intimation of his being disorderly from the Chair, the honourable gentleman would excuse him, if he declined any deference to his opinion on the subject; but that, without debating that question, he would state another fact to this point, equally notorious, impressive, and extraordinary—that the person who had himself published and signed one of the most malicious and contemptible hand bills circulated on this occasion, and respecting the impropriety of whose behaviour some of the depositions had been made, was the very man by whom these juries were summoned, who were to decide on the guilt of the rioters and the compensation to the sufferers. As to the future peace of that place, or indeed of the kingdom in general, whether it was more likely to be secured by promoting or by refusing an inquiry into the neglect of duty in public officers, and in a case so important as the present, and to which also such universal attention had been excited, he would leave to the judgement of the House, and the country: for his own part, he feared that even the delay, however unavoidable, had had a pernicious influence; having heard, since he come into the House, that another riot had just happened, in which these very Magistrates had shewn great unwillingness to exert themselves, though applied to with the utmost urgency; an effect, in his opinion, naturally to be expected from former impunity, but which might be attended with ruinous consequences. On the whole, he thought the success of the motion before the House essential to the attainment of justice,

and the vindication of the public character, and it therefore would receive his most cordial support.'

Mr. Secretary DUNDAS said, the ground of that report was no more than a soldier's getting into a quarrel at a disorderly house.

Sir ROBERT LAWLEY said, he had just learned, from a very respectable gentleman, whom he would name, if the House desired it, that the Magistrates had, in his presence, entreated the mob to disperse, and to do no mischief; and the House ought not to permit it to be supposed that the jury, on their oaths, had not acted honestly, and to the best of their judgement.

Mr. CAWTHORNE said, it was not to be supposed but that the Sheriff of the county had summoned the juries fairly. Dr. Priestley had lived eighteen years unmolested at Birmingham, till, in consequence of his admiration of the glorious French revolution, the philosopher was converted into a politician, and spread sedition through the country.

The SOLICITOR GENERAL bore testimony to the good conduct of Government respecting the riots, and stated, that he had seen the affidavits; for that though they could not come before him officially, as it was the duty of the Attorney General, and not of the Solicitor, to advise the Crown upon such occasions, the Attorney General had requested his sentiments upon the subject. That he did not wish to shrink from any responsibility in what he had said, and had no scruple to avow that he entirely coincided with the Attorney General in opinion, that upon those affidavits, so taken, he did not think it prudent to institute a prosecution against the Magistrates.

Mr. D. P. COKE earnestly wished the motion to be withdrawn, as he thought it might do much harm. The Dissenters either did not wish that the Magistrates should be prosecuted, or thought that there was no ground for it. This he inferred from his own knowledge that the affidavits had been taken under the inspection of a gentleman at the bar, who was sent down on purpose; and knowing his acknowledged honour, ability, and judgement, he was satisfied that he would have advised a prosecution, if he had thought that

one could have been supported by the evidence which had been collected. He stated the conduct he had pursued in the prosecution of the rioters, and his full confidence, from what had fallen under his own observation, that Government had done all that it was in their power to bring them to punishment.

Mr. SMITH said, it was not to be inferred that the Dissenters thought there was no ground for prosecuting the Magistrates, because they themselves had not as yet done it.— They had put the evidence they had collected into the hands of Government, and had waited till Government should decide upon it.

Mr. GREY said, I have as yet heard no reason which should induce my honourable friend to withdraw his motion; so far from it, that it is to me matter of astonishment that so little plausibility has been given by the gentlemen on the other side of the House to the arguments which they have adduced in opposition to his motion. Facts have been stated to the House of a grave and most momentous nature, authenticated by numerous affidavits of credible and respectable witnesses. In the center of the kingdom, in a time of profound tranquillity, under a Government boasting its superior liberality, a riot has suddenly broke out, attended with circumstances singularly atrocious and alarming. On the 14th of July last, a company of gentlemen, professing themselves friends to liberty, met at a hotel in the town of Birmingham, to commemorate the anniversary of the French revolution.— After passing some hours in a social and festive manner, they separated, without tumult or disturbance. In the evening of this day, the popular commotions, afterwards attended with effects so dreadful, commenced, by breaking the windows of the hotel. The Magistrates being called in early, took no pains or precautions to quell the riot so begun, either by reading the riot act, or by the exertion of constables, or by requiring the aid of the military stationed in the town. On the contrary, they are charged with inciting and encouraging the rioters, and directing, with malicious purpose, their rage to the Dissenters, who constituted a large proportion of the company just before departed from the hotel. It is undeni-

able, that by ſome means or other the paſſions of the populace were inflamed to the higheſt pitch; that the cry of "Church and King" became general amongſt them, and that their fury was directed ſolely againſt thoſe who had diſtinguiſhed themſelves by the avowal, not of their political, but religious opinions. It ſoon became apparent, that it was not a political but a religious mob, actuated by the moſt horrid and ſanguinary ſpirit of bigotry and perſecution. While Mr. Keir, the Chairman of the meeting, and a member of the eſtabliſhed church, remained unmoleſted, the houſe of Dr. Prieſtley, who was not preſent at the meeting, was ſurrounded by the mob, ſet on fire, and totally demoliſhed; and ſcarcely did he himſelf eſcape with life. Many other houſes, belonging to perſons known to entertain the ſame religious ſentiments with Dr. Prieſtley, were ſet on fire, and deſtroyed, amidſt the acclamations of "Church and King "for ever! Down with the Preſbyterians!" and the French revolution appeared plainly to have been not the real cauſe, but merely the occaſion or pretext of theſe horrid devaſtations. We are now called upon, by the motion of my honourable friend, to inveſtigate the conduct of the Magiſtrates in this buſineſs; and if it can be clearly proved that there is no foundation for the numerous and ſerious charges againſt them, their honourable acquittal will give no leſs pleaſure to the advocates than to the oppoſers of the motion now before the Houſe. The right honourable gentleman, who roſe in vindication of his own conduct, and the meaſures of the executive Government on this occaſion, has, it muſt be owned, been very ſucceſsful in his elaborate defence of thoſe meaſures againſt which no accuſation has been brought, which are even allowed to have been highly laudable and meritorious; but then he has totally failed in his vindication of what alone is conſidered as culpable. The conduct of the Magiſtrates, and the ſubſequent connivance and tacit approval of Government, ſo far as it reſpects that conduct, from the inquiry which the right honourable gentleman, the other night, ſo haughtily demanded, he has now as meanly ſhrunk. He has evaded, or paſſed over in diſcreet ſilence, charges actually made; he has courageouſly repelled thoſe which were never

brought. The learned gentleman, whofe profeffional duty it was to have inftituted fuch a legal inquiry into this dark bufinefs as would have fuperfeded the neceffity of the parliamentary inquiry now moved for, has indeed ftated feveral fpecific reafons for this neglect; but they are fuch as, I am perfuaded, can never be deemed fatisfactory by the Houfe, or by the impartial Public. The learned gentleman tells us, that the law is open to the Diffenters, and that they are at liberty, if they apprehend the Magiftrates to have been deficient in the difcharge of their duty, to commence profecutions againft them. Sir, this is not the concern of the Diffenters only; it is a matter of public and national import. The honour of Government, and the fafety of the community, are equally involved in it. The queftion is, whether all claffes of faithful and peaceable fubjects are entitled to the equal protection of the law? After the numerous and cruel fufferings of the Diffenters at Birmingham, fhall we throw upon them the ungrateful and invidious tafk of fingling out delinquents for the purpofe of public profecution and cenfure?—Would this be generous? Would it be equitable or juft?—Sir, it does not yet appear what the Diffenters of Birmingham may be compelled to refolve upon as to this point; but the Solicitor to the Treafury, when attending the examinations at Birmingham, was exprefsly informed by Mr. Ruffell, that the Diffenters declined taking any part whatever in this matter, till it appeared what the conduct of the Minifters of the Crown would be refpecting the affidavits. The learned gentleman farther tells us, "that had profecutions been in-"ftituted againft the Magiftrates, while the actions for da-"mages were pending, it might have proved very detrimen-"tal to the intereft of the Diffenters themfelves." If there be any force in this plea, it fhews, in a moft ftriking manner, the general prevalence of that deteftable fpirit of party rage to which the clafs of citizens, who now claim the protection of the Legiflature, ftand expofed, and the neceffity of extending to them that protection. Thefe trials, however, are now terminated, and confequently this objection is completely obviated. Let Minifters now ftep forward, and do their duty; this pretext will ferve them no longer. But

it is farther alledged, that the affidavits now lying on the table before us, afford not a proper and adequate ground of prosecution, because the evidence contained in them is merely *ex parte* evidence. Sir, is it possible that the learned gentleman can be serious in this objection? Who ever heard before that *ex parte* evidence was not a sufficient ground of legal investigation? Is not this House sitting in the capacity of the great inquest of the nation? and is not the evidence upon which all grand juries find their bills, *ex parte* evidence? We certainly ought not immediately to conclude the Magistrates *guilty*, because heavy charges are adduced against them, in a manner the most positive. But, on the other hand, to pretend that because the evidence is uniformly and consistently hostile to the Magistrates, there is no farther occasion to inquire into the truth of it, is an argument which there can be little occasion to expose or to confute. It is strange, indeed, that such an objection should be made; that Government should require, in order to establish the validity of the charges contained in these affidavits, that which would have prevented them from being made at all! In a town, where the spirit of party raged with so much virulence, who would have dared to have brought evidence openly to criminate two popular Magistrates? With what personal danger would not this have been attended? And if appearing as a witness against one of the rioters, has exposed a person almost to every species of injury and insult, for which these upright Magistrates would give him no redress, as appears from the affidavits, what must have been the consequences of appearing against the Magistrates themselves? We have heard, however, from the learned gentleman, another argument, in my opinion still more extraordinary. It is, that the offences charged in the different affidavits, are of such a nature, that it is impossible to ascertain under what description of crimes they are comprehended—whether felony, or misdemeanor for negligence of duty. Sir, this argument supposes that the offences charged against the Magistrates are, at all events, of a very *heinous* nature; such as the law doubtless has provided against by suitable penalties; and whether they come under one or another legal description, it is not for this House, but for the Law Officers

of the Crown, to determine; and if they are incompetent to form this neceſſary determination, they are incompetent to diſcharge the regular duties of their office. Laſtly, we are told, that if gentlemen, acting voluntarily in the capacity of Magiſtrates, are proſecuted with ſeverity for every incidental neglect of duty, it would deter them altogether from attempting to ſerve their country in that country. Sir, this is an argument to which I am diſpoſed to give its due weight. For trivial and unintentional neglect of duty, great allowance certainly ought to be made, in favour of Magiſtrates, whoſe general conduct has been meritorious. But in caſes of this magnitude, where not merely neglect, but poſitive encouragement and licenſe to commit every ſpecies of outrage, is alledged, it cannot be urged, without dangerous abſurdity. If the laws made by the repreſentatives of the nation at large are to be executed at the pleaſure, the caprice, or the prejudice of individuals, where is that ſecurity of perſon or of property, which is the boaſt and glory of the Britiſh conſtitution? Thoſe who aſſume an office voluntarily, are not therefore exempt from all reſponſibility. With regard to thoſe officers of higher rank, who are more immediately in the appointment of the Crown, and connected with the adminiſtration of Government, are not even ſlight charges made not only ground of inquiry, but even of removal alſo? and yet, the argument now abſurdly uſed is, that becauſe Juſtices of the Peace voluntarily undertook to perform the duties of their reſpective offices, they are to be conſidered as ſacred, and out of the reach of law; they are to be exempt from all control, and ſcreened from all inquiry. What is this, but to ſanction tyranny, and eſtabliſh oppreſſion? Surely, if they take upon them offices, whoſe avowed end and object it is to adminiſter juſtice to the people, and ſo pervert and abuſe the powers veſted in them, as to become the inſtruments and agents of oppreſſion, they are guilty of the moſt baſe and aggravated violation of their truſt, which demands a ſignal and condign puniſhment. It has been ſaid, that the thanks of the inhabitants of Birmingham have been voted to the Magiſtrates, in token of the moſt unanimous approbation of their conduct! Sir, I am ſorry to ſay, that ſuch is the virulence

and malignity of the party ſpirit now prevalent in that town and neighbourhood, that very little ſtreſs is to be placed upon a teſtimony ſo ſuſpicious and equivocal. Sir, a vote of thanks cannot invalidate facts. If it appears, from poſitive evidence, that the Magiſtrates did not uſe their power and influence to diſcourage and repreſs, but, on the contrary, that they endeavoured, by every means, to inflame and heighten the rage of the populace, and they are afterwards thanked for their conduct, in what an alarming ſituation does this prove the victims of ſuch bigotry and malignity to be placed! The renewed teſtimonial, therefore, of the innocence of the Magiſtrates, produceed by the honourable Baronet (Sir Robert Lawley) this evening, is nothing to the purpoſe. And as a proof of that party ſpirit, to which I have juſt alluded, it has been reported, on ſuch ſtrong preſumption as fell little ſhort of proof, that a letter had been written, intended to be ſent, in the name of the Clergy of Birmingham, before the Aſſizes, to the Judges who were to go the laſt ſummer circuit, praying them to let the law take its courſe on ſuch only of the rioters, whoſe object was plunder, but to deal mercifully with the reſt, who acted from a pure, though, perhaps, miſtaken regard to their Church and King. If the authority and energy of Government are not to be exerted to protect the innocent and defenceleſs againſt the lawleſs and the profligate, new and worſe ſcenes may be expected to ſucceed; a ſpirit of inſatiate vengeance may be excited, which will not reſt ſatisfied without the final and total extirpation of thoſe againſt whom the demons of perſecution and fanaticiſm ſhall inſtigate their mad and blood-thirſty votaries. I do not accuſe Government of intentionally promoting this ferocious and ſanguinary ſpirit; but I warn them to check, and, if poſſible, to extinguiſh it in its firſt beginnings. Any appearance of remiſſneſs in the Government at this criſis, and much more, any idea of countenance and ſecret approval, may be attended with the moſt fatal conſequences; and to ſuffer any prejudice or partiality to influence the public conduct on an occaſion in which the deareſt intereſts of their country may be involved, would be found not leſs unwiſe than it would be unjuſt. Out of two thouſand rioters, twenty only have been

apprehended; out of twenty apprehended, thirteen only have been tried; out of thirteen tried, five have been condemned; out of five condemned, three only have been executed. But these were only wretched instruments in the hands of others; and it is lamentable, that even so many should have suffered, if those who instigated them to mischief are to be permitted to escape. If the affidavits are true, the Magistrates themselves were the inciters of the riots; the persons whose duty it was to have checked, were the authors of the mischief. Where is the security which we boast is given to the meanest subject of this country, when the authors of such horrid scenes of tumult and depredation are not only suffered to escape with impunity, but their conduct screened from inquiry, and they even rewarded by the thanks of the town, which had been so disgraced, as for the meritorious discharge of their duty? What a precedent for future Magistrates! What a temptation to these to act the same part again! What a cruel insult upon peace, honour, and justice, still to leave unoffending and suffering citizens to the mercy of those who, while employed to protect, are suspected to have injured them so basely!

But the affidavits are suspicious, it is said, because they were taken before a Dissenting Justice of the Peace. To this I can safely reply, they were not taken before a Dissenting Justice, but an Attorney, who is a Commissioner of the Court of King's Bench for taking affidavits. But if, after all, these affidavits are of doubtful credit, the desired inquiry is the best way to confirm or dissipate these suspicions; and if they turned out to be false, those who had sworn to them might be indicted for perjury. [The Attorney General cried out across the House, "No, no, they cannot."] Mr. Grey continued, it is perfectly immaterial whether they could or not; but if the Dissenters should file them in the King's Bench, and move for an information against the Magistrates upon them, I understand, that any of the deponents who have sworn falsely might be indicted. The right honourable gentleman had said, that Justices could not have inactivity imputed to them, having taken every possible measure to stop the progress of a riot on the next day, which had only broken out the preceding evening, and having sent for troops on the Friday morning. The fact, however, was, that it broke out not so late on the Thursday night,

but that a proper degree of activity in the Magiſtrates, who had dined in Birmingham on that day, might have quelled it before morning. And that *they* ſent for the troops on Friday, is a miſtake; for the firſt requiſition for them was made by a noble Lord, in conſequence of a letter ſent by a private gentleman, and not by the Magiſtrates officially. It had been very juſtly obſerved by the right honourable Secretary, that there was no diſtinction of mobs; that from whatever motives they acted, whether religious or political, they were equally indefenſible. That the mob at Birmingham was of the former denomination, is evident, from the paſſage which had been cited by his honourable friend, from a late publication of Dr. Parr; and though riots were equally culpable, from whatever cauſe they originated, yet where religion was the cauſe, how dreadfully inſecure was the ſituation of thoſe whoſe opinions invited them? With all its boaſted pretenſions to liberality, and regard to toleration, where a Government made any diſtinction, and did not hold out the ſame protection to perſons of one religious perſuaſion that it did to others—where it did not give every poſſible ſecurity to perſons thus expoſed, it was a *perſecuting* Government. It has been ſaid by the right honourable Secretary, that the Diſſenters provoked and incited this riot, by the intemperance of their diſcourſes and their writings. Sir, I do not ſtand here as the profeſſed advocate of all that has been ſaid and written by the Diſſenters on the ſubjects of politics, or of religion; but this I will venture to ſay, that much has been well written by them on theſe intereſting topics—much that has well deſerved the attention of this Aſſembly, of the nation, of the world. The Diſſenters have been accuſed, and repeatedly held up by their enemies, as the enemies of the conſtitution. But even in the publications of him who has incurred the greateſt ſhare of obloquy and abuſe, as the moſt celebrated of their writers, and whoſe name reflects the higheſt honour on this country, as the firſt of its philoſophers, even in the writings of Dr. Prieſtly, I will venture to affirm, from my own knowledge, and from the information of thoſe who are more intimately acquainted with them than I can pretend to be, though certainly not more than, for my own information and improvement, I could wiſh, that nothing can be pointed out in them inimical to Monarchy, or to the conſtitution of this

country, as vefted in the three eftates of King, Lords, and Commons. But whilft we exclaim againft the rafh and intemperate language of fome amongft the Diffenters, let us impartially and ferioufly afk ourfelves, if no juft caufe has been given them of difcontent, or of refentment?

It is well known, that the Diffenters have ever diftinguifhed themfelves as the zealous advocates of the glorious revolution; that they have been always numbered amongft the moft firm and fteady adherents of the proteftant fucceffion, and of the illuftrious Houfe of Hanover, when that fucceffion was fuppofed, with reafon, to be in danger, and at a period when the reigning Family did not depend upon the Church as its firmeft bulwark and fupport. Confcious of their fidelity and attachment to the Government under which they lived, an attachment which the circumftances of the times afforded them frequent and decifive occafions to demonftrate. Exercifing, under the exprefs fanction of the ftate, their inherent right of private judgement in religion, they at length applied to the Legiflature to be reftored to the common rights and privileges of citizens, of which they had been fo long and unjuftly divefted. When this claim was refufed, with every circumftance of indignity and infult—when they were branded as the implacable enemies of the State—when they were reproached, notwithftanding their uniformly peaceable demeanor, as feditious and factious hypocrites—when the obfolete Tory clamor was revived, that *the Church was in danger*—when they were told, that the extent "of their loyalty might be meafured by the blood of a King," Can we wonder that they fhould difcover the feelings and paffions of men? That in the angry collifions of controverfy, the voice of reafon and moderation fhould be overborne and loft?

Are we really folicitous to eftablifh univerfal and permanent tranquillity and fatisfaction? The experience of all ages fhews, that the only effectual mode is, to abolifh all traces of legal oppreffion. While the fpirit of intolerance predominates in the Counfels of any country, there will neceffarily be difcontent, refentment and anger. And it is in vain to expect to obviate the evil confequences of fuch a fyftem, by adding contumely to oppreffion, or by attempting to defend injuftice by falfehood. Wherever political diftinctions and partialities are admitted, without real neceffity, there political ani-

moſities will be excited. Such is the nature of man; and of this we may reſt aſſured, that equity is the only permanent baſis of policy; and till we determine to regulate our conduct by this principle, diſcord and hatred, in a certain degree, muſt and will prevail. And the diſorders and commotions which we now lament, are the genuine offspring of that miſtaken plan of policy, to which we are ſtill, unhappily for our own peace and ſafety, determined to adhere. In fine, if this Houſe ſhould think proper to reject the preſent motion, calculated as it is to inculcate and impreſs the idea of equal protection and favour to all, it will ſtamp the proceedings of this day with indelible diſgrace, and add one more to the numerous inſtances in which the Houſe has of late ſacrificed the intereſts of its conſtituents to the novel doctrine of *confidence*, and injuriouſly waved the exerciſe of one of its moſt valuable and important privileges—the privilege of inquiry.

The queſtion was put, and the Houſe divided on Mr. Whitbread's motion;

Ayes, 46; Noes, 189.

The Houſe adjourned.

Tueſday, 22d May.

The following papers were, upon motion of Lord Mornington, ordered to be laid before the Houſe, viz.

"Copy of a Letter from the Nabob of Arcot to Lord Cornwallis, dated the 5th of February, and his Lordſhip's Reply, dated 26th February, 1787, relative to Tanjore;" alſo,

"Copy of a ſeparate Letter from the Court of Directors, in their political department, to the Governor and Council of Madras, dated the 19th of May, 1790;" and alſo,

"Paragraphs 78 to 88, 90 to 95, and 100 and 101, of the Letter from the Governor and Council of Madras, in their political department, to the Court of Directors, dated the 16th of January, 1792."

Mr. RYDER having moved, "That the Houſe do reſolve itſelf into a Committee on the Sugar bill," requeſted to call the attention of the Houſe to a propoſition relative to the method of proceeding, which, for the ſake of ſaving the time of the Houſe, [illegible] principle of convenience, he meant to ſub-

mit to them. Mr. Ryder ſtated, that his object was to go into the Committee, in order to propoſe certain amendments which had been ſuggeſted by the parties, ſince the ſubject was laſt under diſcuſſion, and immediately to report the ſame to the Houſe, and then upon the report of the bill ſo amended, gentlemen would have the whole ſubject before them, and could ſtate their ſentiments with better effect.

This being underſtood to be agreed to, the Speaker left the chair, and Mr. Hobart took his ſeat at the table.

Mr. Ryder then propoſed his amendments, which being read,

Mr. HUSSEY roſe, and declared himſelf an enemy to the bill altogether. It was deceiving the Public with falſe appearances, he ſaid, and ſeemed as if Government would do ſomething to relieve the ſubject, when, in fact, the bill would do nothing at all. He ſaid that the people of this country had been taxed above two millions ſix hundred thouſand pounds and upwards within the laſt year, merely by the high and extravagantly increaſed price of ſugar. When he conſidered the extreme importance of the ſubject, he declared, he was aſhamed to ſee it ſo little noticed. Had the right honourable gentleman propoſed an additional land tax of one ſhilling in the pound, would not the buſineſs have been better attended to? An additional two ſhillings in the pound upon the land tax, he declared, would not make good half the ſum that the Public had paid by the increaſed price of ſugar, as the whole amounted to conſiderably more than four ſhillings in the pound upon the whole of the land tax. It was unaccountable how this could have happened. People might aſcribe it to different cauſes; perhaps to a combination among the planters; he, however, entertained great reſpect for thoſe gentlemen, and did not believe any thing unhandſome or improper had been done by them. He had a memorial from the Weſt-India planters, who ſtated, that there ſeemed to be two points to which the extravagant riſe of ſugars might be aſcribed, and they talked of a ſurplus of the crops ſent to foreign markets; but he denied that there could be any ſuch ſurplus. He aſcribed the increaſed price to the increaſed conſumption, and the quantity taken out of the market at home, and exported for the ſake of the drawback. Let the firſt thing, therefore, be, to ſtop their bounties and draw-

backs, and if there was any furplus, the foreigners would then buy our fugars at the fame price that we paid for them ourfelves. After declaring, that he wifhed to hear fome explanation on the fubject, from thofe better informed than himfelf, as there might be fome fallacy in what he conceived to be the ftate of the cafe, and he was not fond of relying on his own underftanding. Mr. Huffey now moved, "That the Speaker "do leave the chair," giving notice, at the fame time, of his intention to follow up that motion, if it were carried, with another, to put an end to the bounties and drawbacks.

Mr. Chancellor PITT faid, he was not then going into the fubject, but wifhed to know what was moft agreeable to the Committee, and the moft convenient way of proceeding? It had been underftood, that they were to go into the Committee, for the fake of receiving the amendments, and to take the debate on the report. He did not think it was defirable to take it in that ftage of the bill; but whether they chofe to difcufs the principle of the bill, or get rid of it entirely, and to adopt fome other fyftem, he was ready to do it, juft when gentlemen chofe it; he thought, however, that it would be more defirable to go through the Committee, and to take the debate on the report, as it was underftood was confented to.

Mr. HUSSEY faid, he really thought it would be lefs trouble, and would fave the time of the Houfe, to make the motion he had made immediately, and to fave the trouble of bringing up the report.

Mr. FOX rofe, to fpeak merely to the form of proceeding. There were two ways, he faid, of confidering the fubject; that propofed by his honourable friend behind him, and that before fuggefted by the right honourable gentleman oppofite to him. The principle of the bill appeared to him to be fo falfe, that he did not believe he could be brought to confent to it at any rate; but perhaps, as it had been fo underftood, it would be as well to fuffer the report to be brought up, for the fake of receiving and confidering of the amendments.

Mr. HUSSEY faid, he fhould be glad to hear why the prefent bill was preferred to the putting an end to the bounties and drawbacks, and he owned he had expected fome gentlemen in power would have ftated what intereft there was in adhering to the bill.

Mr. Chancellor PITT ſaid, he was at all times ready to pay every poſſibly attention to whatever fell from the honourable gentleman, and indeed from every other honourable gentleman, on any ſubject ſo important and ſo materially intereſting to the Public; but he wiſhed to wait till the bill came to the other ſtage; and then the honourable gentleman might be aſſured he would hear reaſons ſtated why the bill, under all the circumſtances of the caſe, was thought the moſt adviſeable meaſure that could be adopted.

The Chairman was then directed to leave the chair, and make the report; which he did as ſoon as the Houſe was reſumed.

As ſoon as the queſtion was put, That this report be now conſidered,

Mr. HUSSEY moved to leave out the word "now," and inſert the words "this day three months."

Mr. Chancellor PITT then roſe to ſtate the nature of the bill, which he began, by declaring it to be one that could be attended with no inconvenience, and might anſwer the purpoſe that was in view. He need not, he obſerved, go into the particular clauſes, but he might ſay of the bill in general, that it left a conſiderable latitude to the operation that might poſſibly ariſe from various cauſes, and therefore he approved of it. He ſpoke of the nature of our trade with the Weſt Indies; it was a monopoly which had ſubſiſted for a ſeries of years, not by compact, for it could not be ſo conſidered, but from eſtabliſhed cuſtom. What was the ſituation of the Weſt-India iſlands? They were ſubject to the effects which our monopoly impoſed on them, and which, like all other monopolies, was ſubject to fluctuating circumſtences, at times unavoidably productive of great temporary inconvenience. He ſtated that they had a monopoly of our market for their ſugars, in return for our monopoly of the conſumption of the iſlands of our manufactures and other commodities. With regard to the prices preſcribed in the bill which were to govern the exports, the drawbacks and the bounties, he owned, he thought them rather higher than was neceſſary, but nevertheleſs, he ſaid, he deemed it policy to allow ſome latitude to advantageous prices. In reſpect to the propoſition ſuggeſted by the honourable gentleman, that naturally had, in the firſt inſtance, ſuggeſted itſelf

to his mind, but when he came to examine into the nature of the cafe, he found, that fuch a propofition could not have been adopted without the moft palpable injuftice to two defcriptions of men, whofe interefts were materially concerned, and who were fairly entitled to expect, that their intereft would be taken care of by the Legiflature. The parties to whom he alluded, were, he faid, the Weft-India merchants and planters, on the one hand, and the refiners and manufacturers of fugar, on the other. He explained to the Houfe the nature of their refpective claims, and afked, what would be the effect of fuddenly, and without notice, depriving them of the profits of the drawbacks? Mifchief and ruin to thofe who were not prepared for fuch an event, muft neceffarily have been the refult; a refult which, he was perfuaded, the Houfe would fhudder at the idea of occafioning. How far the bill might prove effectual, he could not undertake to anfwer; he meant it merely as a temporary bill, and by way of experiment. He reafoned at fome length on the fum ftated in the bill, and reminded the Houfe, that if they propofed any particular fum, they were not to confider it as fixing the price of fugars, but merely as prefcribing the limits beyond which the price fhould not go.

Mr. FOX rofe next and faid, he did not wifh to conceal that he thought the bill highly objectionable; at the fame time he had no difficulty in faying, that he had very great diffidence in his own opinion on the prefent fubject, which he could not be fuppofed to underftand as well as the right honourable gentleman, who from his fituation muft have had fo many opportunities of confidering it. As to the Weft-India monopoly, and all that the right honourable gentleman had faid on that point, he concurred pretty nearly in opinion with the right honourable gentleman. The monopoly certainly was not a compact, nor could it in any point of view be fo argued, but it was a cuftom that had fo long exifted, that it became a very delicate confideration, and to touch it rudely, or with rafh hands, might not only be imprudent, but highly unjuft. He did not however underftand that it was a monopoly of fo ftrict and abfolute a nature as fome might fuppofe. The Weft-India iflands had a right to export their fugars to any part of Europe, fouth of Cape Finifterre, and to the northward of the Cape, having previoufly taken out a licence for that purpofe; the monopoly,

therefore, ſtrictly ſpeaking, was not, in its proper ſenſe, an abſolute monopoly. With regard to the other parts of the ſubject, he owned, that he had not made himſelf maſter of them, and could only ſpeak as he had been informed by thoſe, with whom he had converſed reſpecting them. On their authority, therefore he could ſay, that in all caſes the refiners and manufacturers did not conſider the drawbacks quite ſo favourable as might be imagined; in fact there was nothing that they deſired ſo much, as an extinction of the drawbacks altogether. When he firſt heard this, he felt as he ſuppoſed every man not familiar with the ſubject muſt feel, viz, a good deal aſtoniſhed. One would have ſuppoſed, that the drawback would be, what the manufacturers moſt deſired, but they ſaid no; and the reaſon that the drawbacks were nothing to them, they declared, was, becauſe they were calculated to the utmoſt nicety, and the price of the raw material regulated accordingly. He went into a variety of reaſoning, to prove that the price of ſugar, as regulated by the bill, ſhould be proportionate to the drawback, and that they ſhould operate mutually on each other. The bill, he ſaid, clearly did not go to diminiſh the price of ſugars; and he objected to it, becauſe if the Houſe had no right to alter the price of ſugars, it had no right to offer a deluſive appearance of doing ſo, to the Public. Two million ſix hundred thouſand pounds, he obſerved, had been paid on account of the increaſed price of ſugars in the year 1791, more than in any one year before the American war, or more than in any one year, on an average of ſeven years, preceding 1791. He commented on this extraordinary and alarming fact, and ſaid, that he did not ſee why people were to be taxed ſo extravagantly, that however ſugar might formerly have been deemed a ſuperfluity or luxury, the habits of life had rendered it a neceſſary. He declared, that if it were true, as had been aſſerted, that ſugar refiners could not ſtop, but muſt continue, refining, or be very conſiderable loſers, it appeared that he who bought ſugar to refine, was under a more urgent neceſſity to buy, than the merchant was to ſell. Upon the whole caſe, though it was eaſier for him to object than to ſtate any preciſe remedy at preſent, yet on the whole he ſhould, without fear of being guilty of injuſtice to any one, wiſh to vote with his honourable friend for putting off the bill, and as he thought it better than to ſuffer

an uncertain and inefficient bill to paſs, he ſhould vote accordingly.

Mr. Alderman WATSON ſtated ſtrong objections to the bill; but as ſugar was an article eſſential to the lower orders of the people, the Alderman ſaid, he would not oppoſe the bill, imperfect as he thought it.

Sir JAMES SANDERSON ſaid, he came into the Houſe prepared to vote againſt the bill; but what had fallen from the right honourable gentleman had great weight with him, and had much ſhaken his opinion.

Mr. ADAM laid down a few plain general principles to enable the Houſe to form a deciſion. As a permanent cauſe of the high price of ſugar, he ſtated the reduction of the prices of tea. Mr. Adam ſaid, he would vote for the bill.

Mr. PULTENEY ſaid, gentlemen ſeemed to think they had nothing more to do than to ſay, "any article whatever "ſhould be cheap," and it would be cheap; whereas the only way to make an article cheap, was to increaſe the quantity brought to market. Mr. Pulteney illuſtrated this by inſtancing what had been the caſe in reſpect to broad cloth. With regard to the increaſed ſum paid for ſugar laſt year, the more there was ſpent in tea and ſugar, the leſs was ſpent in malt and beer. Mr. Pulteney approved the bill as a fair experiment.

Mr. FOX explained, that the quantity of ſugar conſumed in 1791 had not exceeded the quantity conſumed in any former year; the enormous difference of the ſum paid by the Public, having been ſolely occaſioned by the extravagant increaſe of price.

Mr. BAILEY ſtated that the planters merited the peculiar protection of the Legiſlature; that they had hitherto received it, and he hoped their intereſts would at preſent at leaſt be conſidered, as well entitled to the care of the Houſe, as thoſe of the ſugar refiners.

Mr. S. THORNTON ſaid, that although the Weſt-India planters merited the conſideration of the Houſe, the maſs of the people at home were certainly firſt entitled to the care of the Legiſlature. We received from the Weſt Indies one million five hundred thouſand pounds for our manufactures exported there, and we paid the planters, &c. five millions for

their sugars. Mr. Thornton observed, that the cultivators of sugars in other places deserved legislative encouragement as well as the West-India planters.

Mr. RYDER wished to draw the attention of the House to a few points only. He then commented on Mr. Fox's arguments respecting drawback, and replied to the observations of other gentlemen.

Mr. W. SMITH confirmed what had been said respecting the sugar dealers, wishing that the drawbacks were extinguished. He objected to the report being received, and said there were two parties, the sugar refiners, and the consumers at large, who ought to be considered as before the House.

Mr. HUSSEY summarily observed upon the arguments that had been stated in the course of the debate, and adhered to his former opinion.

The House divided;

Ayes, (for considering the report) 74; Noes, 29.

Sir JAMES SANDERSON next moved by way of amendment, to leave out the words "sixty shillings," and insert "fifty-five."

The House divided, "that the word sixty stand part of the "clause."

Aves, 63; Noes, 32.

When the clause was read enacting a month's notice in the Gazette, previous to shutting the ports against exportation, Mr. Fox contended that the notice was too short, and moved as an amendment to give two months notice.

The amendment was negatived by a division taking place on the original motion, in which the numbers were,

Ayes, 53; Noes, 16. Majority 37.

The House adjourned.

Wednesday, 23d May.

The order of the day for the third reading of the Westminster Police bill having been moved and read,

Mr. POWYS stated, that he meant to oppose a particular clause, as well as to object to the bill generally, and wished to know, when was the opportunity to do both the one and the other?

The SPEAKER said, the mode of proceeding was to read the bill a third time, and then gentlemen who meant to object to any particular clause might do so, and after their objections to the clauses were disposed of, when the question, " that this " bill do pass," should be put, gentlemen might object to the principle of the bill, and to the bill in general.

As soon as the bill had been read a third time,

Mr. POWYS rose and said, he meant to oppose clause D, which runs in these words:

" And whereas divers ill-disposed and suspected persons, and " reputed thieves, frequent the avenues to places of public re- " sort, and the streets, and highways, with intent to commit " felony on the persons and property of His Majesty's subjects " there being, and although their evil purposes are sufficiently " manifest, the power of His Majesty's Justices of the Peace " to demand of them sureties for their good behaviour hath " not been of sufficient effect to prevent them from carrying " their evil purposes into execution; be it enacted by the au- " thority aforesaid, that from and after the eleventh day of " June one thousand seven hundred and nine-two, it shall and " may be lawful for any constable, headborough, patrole, or " watchman, to apprehend every such person, and convey " him or them before any Justice of the Peace, and if it shall " appear before the said Justice, upon the oath of one or more " credible witness or witnesses, that such person or persons is " or are a person or persons of evil fame, and a reputed thief " or thieves, and such person or persons shall not be able to " give a satisfactory account of himself or themselves, and of " his or their way of living, every such person shall be deemed " a rogue and vagabond, within the intent and meaning of the " statute made in the seventeenth year of his late Majesty King " George the Second, intituled, ' An act to amend and make " more effectual the laws relating to rogues and vagabonds, " and other idle and disorderly persons, and to houses of " correction,' provided always, that if any person shall think " himself aggrieved by the judgement of such Justice aforesaid, " such person may appeal to the Justices of the Peace at the " next General or Quarter Sessions of the Peace to be held " for the country or place wherein the cause of complaint " shall have arisen, such person at the time of his conviction

"entering into a recognizance, with two sufficient sureties "conditioned personally to appear at the said sessions, to try "such appeal, and to abide the further judgement of the Jus- "tices at such sessions assembled.

Mr. Powys said, he had not heard what arguments had before been used in defence of this clause, but it had been introduced in a manner that called for animadversion, since it had originally been no part of the bill, and appeared to him to be such as ought to have been introduced on the authority of a special instruction. The bill purported to be "for the more "effectual administration of the Office of a Justice of Peace "in such parts of the county of Middlesex as lie in and near "the metropolis," but was that the object of the clause in question? It certainly was not. The object of the clause was to find out new objects for justice, persons called reputed thieves. What was the definition of a reputed thief? He understood none else but persons detected in the perpetration of some crime, and convicted of the same. It struck him that the clause introduced a new principle, and put them into a new situation. He concluded with declaring, that the clause appeared to him to be so objectionable, that to the very best bill containing such a clause he declared he should give his negative.

Mr. WINDHAM said, he had so lately troubled the House on the subject, that he would then trouble them very shortly, and indeed so much had been said on the subject, that he could do little more than repeat his former arguments. His great objection to the clause was, that it introduced a new principle, and reversed the usual order of things. If they were to punish men, not for acts which they committed, but for those which they intended to commit, it appeared to him as unnatural as if the hare were to chase the hounds. The clause was calculated to protect noblemen, gentlemen, and the rich only. The poor alone were to suffer by it. Should they countenance an attack directed against men who could not defend themselves? Ought they to agree, to let a man be apprehended and sent to prison, merely on the general fact, that such man was thought a thief, and that he was seen at the door of a public place? The clause too was to procure ease to their pleasures, and to guard the entrance to opera and play houses. It was on that account objec-

tionable. Besides it referred to another act, and then omitted to name the punishment to be inflicted. The vagrant act was the statute alluded to, a statute sufficiently objectionable on account of the generality of its extent, and the inordinate severity of the punishments it inflicted. According to that act, the persons who should be apprehended under the present clause as reputed thieves, were liable to be whipped and sent to prison. It was true there was an appeal afterwards to the Quarter Sessions, and there the person apprehended might indeed be acquitted, but could the punishment he had suffered be done away? Could the whipping be taken off? If a pickpocket deserved severity of punishment, why did they not punish him with death? They all knew why. They knew that men's feelings would not bear such unmerciful and disproportionate punishment. They all knew that picking pockets was but a slight offence, and so the law considered it, and the reason was, that it was easy to guard against it; and the loss of a pocket hankerchief was no great loss. Another objection to the clause was, that the party apprehending the reputed thief, was to depose on oath that he was deemed a thief. A sort of oath which a man might take, and not know whether he committed perjury or not. This was a class of oaths they ought to be most averse to receiving, as it would be introductory of perjury, and tend to wear out the moral obligation of an oath. Nor did he see how sending a man to prison would make him better. It would prevent a man to be sure from picking pockets, to send him to the Marshalsea, and so it would to cut of his fingers, but no man would wish to do so. He objected to the whole of the bill, and greatly to its principle, but infinitely more to the clause in question, which was, in his opinion, much worse than the whole of all the bill put together.

Mr. BURTON said, he was not sorry that the clause had undergone some degree of discussion, and he was ready to declare, that he was as adverse to it as any gentleman could be, and would not wish it to make a part of the bill, unless the necessity of the case required it, and milder remedies were not to be found. The bill had certainly been introduced without the clause, and the clause had not been introduced by him, though he had altered it in such a manner, as he had flattered himself would have prevented it from being obnoxious to the objections

that had just been stated. The clause had been introduced by a Magistrate of great respectability and experience, a gentleman most likely to know the extent of the necessity that called for such a clause, and consequently the most capable to suggest the fittest remedy. Nor had the clause been introduced in any manner contrary to order; a fact which he had a right to assume, as it had not been objected to on that account from the Chair, nor by any individual Member. So much for the introduction of the clause which had been complained of.—— With regard to the objection, that the clause related to an evil, that did not require it, he repeatedly heard complaints of men getting their livelihood by attacking persons in the streets in the day time, as well as by night, and that the evil had arrived to so enormous an extent, that it was neither safe to walk through the streets of the metropolis by night or day, and that the property lost annually in this way amounted to two hundred thousand pounds.

Knowing that fact, as every gentleman who resided in London or Westminster must do, could any reasonable man say, that when a bill for the regulation of the police of the metropolis was under the consideration of the Legislature, a point so essential to the safety of the persons, and property of the subject, ought to be neglected? It had been said, these were a species of clauses for the protection of noblemen and gentlemen, and rich people. If the clause were for their protection only, he would not have given himself a moment's trouble about it.— Rich men had ample means of protecting themselves, by their attendants and servants, by riding in their carriages, and by other preventives. The clause had a large view; it extended to men of all ranks and descriptions, to those who kept cash at bankers, to bankers themselves, to their clerks, and to all who were interested in the property carried through the streets.— Were gentlemen to learn, that merchants, their clerks, tradesmen of almost every description, passed the streets at every hour of the day with considerable property about them, in cash or notes, and were beset with gangs of thieves, almost every one of whom were known to the people belonging to the offices of the acting Magistrates. Surely, such men as those he had described were entitled to protection. The clause had been objected against, as introducing a new principle. The fact was,

it was a very old principle of the common law, recognised by statute in early times. So long since as the reign of Edward the First, about the year 1276, an act passed, called the Statute of Winchester, which gave powers similar to the present, in respect to the apprehending of persons of ill fame. Mr. Burton read an extract from this statute, and from a subsequent one in the reign of Edward III.; from the statute in the reign of Philip and Mary, from another in the reign of King William, from the Vagrant act in 17 George II., and from Lord Sydney's two acts in the present reign, by one of which, persons of suspicious character having fire-arms, cutlasses, and other offensive weapons about them, were liable to be apprehended, and sent to jail; and by the other, persons with pick-lock keys, and other instruments of burglary, found upon them, were deemed liable to be committed; all of which extracts confirmed the assertion, that the principle of the clause in question was by no means new or unprecedented. He also quoted the authority of Sir Matthew Hale, to shew that the same principle was at all times a principle of the common law of England, and that after a man, charged with felony, had been acquitted, yet if it had been testified that he was a person of ill fame, he should be detained in custody till he had found sureties for his good behaviour. After quoting Dalton, and other writers of commentaries on the law, and descanting on these precedents, it only remained for him to shew, that the remedy proposed by the clause was necessary and adequate. In order to prove this, he proceeded to state, that the vagrant act inflicted more severe penalties on persons infinitely more innocent, and less decidedly obnoxious, than those who were the objects of this charge. He went through a comparative statement, and asked, in particular, if strolling players were equally offensive to society as pickpockets and thieves? He recurred to the objects of the clause, and said, no one was more an offender against society, than he who lived so as to occasion terror to every quiet subject. Nor was the matter left so vague, as to furnish a pretext to malice. It must be sworn to, not only that the party apprehended was a person suspected, but a reputed thief, and justice must be done, by its being farther proved, that he was a person found in such a place, with an intent to commit a felony. It appeared to him that there was

no difficulty in the thing, and that it was a proper remedy, ſince a better reliance could not be found for perſonal ſecurity, than ſeparating the gangs of thieves that daily depredated on the property of individuals. Mr. Burton, in reply to the objection, that ſending a man to priſon would not make him better, ſaid, that, to his knowledge, in ſome places in the country the fact was otherwiſe. He knew priſons, where priſoners were not the worſe for having been confined. Many, he was perſuaded, of thoſe who lived as thieves, were they put in the way of reform, would correct their manners, and amend their lives. And as a proof of it, he related a ſtory of a boy who had known neither father nor mother, but had been of neceſſity educated as a pickpocket; that boy, being brought before a Magiſtrate, was admoniſhed on his evil courſe of life, when the lad fairly ſtated that he was compelled to follow it, having been taught nothing elſe, and conſequently having no other means of livelihood, but declared his willingneſs to live by honeſt induſtry, if he could be put into the way of doing ſo. The Magiſtrate approved of his declaration, encouraged the boy to perſevere in his good intent, and promiſed to procure him a birth on board ſome ſhip or other. The boy, firm to his purpoſe, came every day, for a conſiderable time, to the office; was there the whole day, till a birth was procured for him; and he had no doubt but that he was at this moment an honeſt and a worthy member of ſociety. He therefore thought the clauſe ought rather to be conſidered as a preventive againſt the commiſſion of crimes, than a puniſhment for criminals, and as a part of a temporary act, and an act of experiment, it ought to be admitted. He reminded the Houſe, that the propoſed duration of the act was but for three years; and if, contrary to his expectations, it failed of effect, or in its operation promoted evil rather than good, he declared he would be the firſt man to propoſe its repeal.

Mr. FOX ſaid, he certainly never felt himſelf more completely convinced of any thing in his life, than that the Houſe ought not to adopt the clauſe now before them. It was againſt all the principles of criminal juſtice whatever—repugnant to the very eſſence of the law of England. The learned gentleman who had juſt favoured the Houſe with his ſentiments, had ſaid, that the principle of it was not new, and then entered

into the recital of several authorities. If he had not come down in time to know the subject of debate, he should have thought the learned gentleman was about to move for the repeal of those sanguinary statutes, and that he was enforcing the propriety of that repeal by a strenuous exertion of his reason, as well as his talents for ridicule. He was pleased to have recourse to the wisdom of antiquity upon this subject, and to adduce the authority of an act of Parliament passed in the reign of Edward the First. He thought that at this day the people of this country knew pretty nearly as well as those who lived in the reign of Edward the First, the proportion which punishments ought to bear to crimes, and what consideration ought to be given to the liberty of the subject. But it was a libel on the statute of Winchester to compare it to this clause. By that statute persons were taken up upon suspicion, and to be kept until they were cleared in due course of law, implying thereby, that when they were cleared, they could not be accused again, and that they were afterwards entitled to their freedom—but here they might be taken up on suspicion, and, after they were discharged, taken up again upon the same suspicion, and punished again by the same authority, without a specific act proved against them. Another observation was on the recital of this statute, which was quoted as an authority. If it is now in force, why was it not put into execution? Why enact a clause in another act of Parliament, introduced avowedly for another purpose, a principle founded upon a statute now unrepealed? As to the authority of Sir Matthew Hale, which the learned gentleman had quoted to prove that if there was a bad report given of a man, and that supported by evidence, that a person acquitted by a jury shall still remain in custody, on the order of the Judge, until he shall have given bail for his good behaviour; if there was such a law, and there might be such a practice, that might be a considerable additional reason why he (Mr. Fox) should next session make application to that House for leave to bring in a bill to repeal such laws, and put an end to such practice as, being a disgrace to England, ought to be repealed; but he thought that the general principle, and the bent of the practice of the law, was otherwise, and that a man when acquitted by a jury, was not only intitled to his discharge from the offence with-

which he was charged, but that in the eye of law he ſtood as aloof, even from ſuſpicion, as if he had never been accuſed; and he muſt obſerve alſo, that ſuſpicion was a principle ſo little known in the law of England, and even in the practice of it, that Courts never heard evidence of the badneſs of a priſoner's character. As to ſanguinary ſtatutes that are to be found in our laws, he had always been of opinion that to leave them ſtanding in our code was a diſgrace to our ſtatute-book—that their inhumanity was manifeſt, their abſurdity ridiculous; and that to attempt to execute ſome of them would be a daring mockery of common ſenſe, and would rouſe the indignation of the Public. And ſhould he then be told that theſe precedents ſupport the principle of the clauſe in queſtion, that the introduction of it was no novelty—why there was no injuſtice, inhumanity, cruelty or infamy that could be ſaid to be quite novel. There was a ſtatute againſt rogues and vagabonds under the title of notorious rogues and vagabonds in the counties of Cumberland and Northumberland, declaring them felons without benefit of Clergy. That queſtion was debated in that Houſe, and by his exertion, and the very able ſupport of a noble friend of his in another place (Lord Porcheſter), that Houſe had paſſed a bill for the repeal of that act of Parliament, being of opinion, that being only a rogue and vagabond in Cumberland and Northumberland, was no greater offence than in Middleſex or any other county; and that a man ſhould not be hanged for it in one place, while he was only whipped for it in another. However, the Peers had greater reverence for antiquity, and more profound diſcernment with reſpect to the nature and character of a notorious rogue in Cumberland than the Houſe of Commons, and therefore the bill of repeal was rejected by their Lordſhips. He knew of another act of Parliament, by which a man for being companion with gypſies for a month, was declared a felon without benefit of Clergy, and they were of equal authority with thoſe quoted by the learned gentleman. The whole of the queſtion fairly to be argued, was—" Are the perſons to be affected by this clauſe, guilty of " offence or not?" The learned gentleman ſaid they were notoriouſly known. How notoriouſly known? Nothing could be known that had not happened—nothing by law could be ſaid to have happened as a breach of that law that could not

be proved. It was on this principle that every man in England was declared innocent, until he is pronounced by law to be guilty. Have these men committed a felony or not? If they have, bring them to a Court of Judicature, prove their guilt, and pronounce them guilty. But we cannot prove them guilty—then by law they are innocent. No man should in a country governed by laws be permitted to say I know what I cannot prove; more especially, I will imprison a man for what I know I cannot prove, merely because he is in a situation that will not enable him to procure bail. Nay farther, I will whip him because he is unfortunate and distressed. This was the very essence of injustice, and would disgrace the most odious principles of a despot. There was nothing in the late detested Government of France that was so odious—a Government universally abhorred—should England imitate such a Government? Let a man, if you think him guilty, be tried by a jury, and then justice will be done both to him and to the Public, but do not let a Magistrate supersede a jury—nay more, to inflict punishment on a man whom a jury would acquit upon a principle acknowledged in the clause in question, for it was admitted it was to operate on none but those who could not be proved to be guilty. As to the distinction which the learned gentleman was pleased to make between gentlemen and a class of poor men, he could not bring his mind to approve of it. He should be very sorry to have his pocket picked because he was a gentleman, and that the law would afford him no protection because he was a gentleman. The truth was, and reason, justice and common sense taught it, the richest man in England should have neither more nor less, but exactly as much protection by the law, as the poorest—all distinction was unknown in the protection and benefit of the law of England; and whenever a clause was brought into any act of Parliament to make a distinction between persons, it was an attack upon the best principles in our constitution, namely, that the law is no respector of persons. Another part of the speech of the learned gentleman, which conveyed an assurance to the House that the prisons in this country are so conducted that the prisoners were improved in their morals, after remaining there for some time, he was glad to hear, and wished the people of this country might be as ready to believe it, as he believed they

were at present pretty generally confident of the contrary. And as to the learned gentleman's story of the boy who was committed, until a worthy Magistrate could procure a birth for him, and when he came out he was a lad fit to be employed; and so it seems will others be by the operation of this clause—a valuable clause, that could make a man have a good character because he had been in prison for suspicion of a felony—valuable indeed if it can make the Public believe, that to be in goal for being a rogue and vagabond, is to purify his manners, and that being confined in a prison is to stamp his good fame. The truth was, that this clause was against the fundamental principles of law, against the fundamental principles of justice. It was a clause to degrade and disgrace the law of England—to injure, harass, and oppress its subjects—to inflict punishment where there was no guilt—for where none could be proved, none existed by the English law. A clause was unfairly and insidiously brought into the bill, for the bill was opened as a bill to improve the Office of Justice of the Peace in certain parts of the Metropolis, and the House gave leave to bring it in under that impression. It might as well be brought in as a clause in a revenue bill as in this. It was a clause, that reversed the fundamental principle of the Criminal Law of England. —"That innocence must be supposed, where guilt cannot be "proved."

Mr. Secretary DUNDAS said, that no objection he had heard had shaken his opinion of the advantages of the clause. The more he investigated the subject, and he had done so most assiduously, the more he was satisfied of the necessity that required it, and the expediency and fitness of its application, as a clause forcibly tending to the prevention of crimes, and safety and security of the persons and property of His Majesty's subjects. He had again and again endeavoured to sift out the truth and to learn from those most familiar with the object of the clause, whether it were necessary or not, being in his mind as unwilling to adopt it, as any gentleman on the other side of the House. No longer ago than that morning, had he seen some of those persons vulgarly called Thief-catchers, the persons employed by the Officers of Police, in searching after, pursuing, and apprehending rogues and thieves, and men well known to live by depredations on the Public. He had questioned them

as ſtrictly on the ſubject as the moſt profeſſed enemy to the clauſe could have done. He had aſked Macmanus whether the clauſe was abſolutely neceſſary or not? And he had told him, decidely, that it was. And when he again aſked him, why he gave that anſwer, Macmanus had told him, that on Saturday night laſt he went to a place of rendezvous for men of ſuſpected lives, and he there found fifty or fifty-three men ſitting together, all of whom were known thieves and pick-pockets. He aſked Macmanus how he knew them to be pick-pockets? When he anſwered, that he knew them well, that they frequented haunts where perſons of that deſcription only came, that he ſaw them at the doors of all public places, and was perfectly aware that their object in attending ſuch places was to rob and plunder the unwary. He had added that if they had the authority of ſuch a clauſe to act under, he could take theſe ſet of perſons before the Magiſtrates to be appointed under the bill, and diſperſe theſe gangs, who defied day as much as the thieves of old uſed to court darkneſs, and endangered the public ſafety at all hours. He reminded the Houſe that rogues reached the gallows by degrees; that they ſtarted as pickpockets about 13 or 14; that they became emboldened by habit and practice; that when by picking pockets they were able to buy a horſe, they commenced highwaymen; and by an accumulation of crimes, all highly injurious to the Public, they arrived at the climax of their fate, and ended their career by the hands of the hangman. He appealed to the feelings of the Houſe, whether it would not be practical humanity to reſcue ſuch wretches from their fate, and by an early prevention of their purſuits, check their evil courſes, and afford them an opportunity of being reſtored to ſociety? Nor was there any thing of an arbitrary nature, or that contradicted the principles of Britiſh juriſprudence in criminal caſes in the clauſe. Reputed thieves were not to be ſent to priſon on the mere caprice of a conſtable; it muſt be proved that they were reputed thieves, and ſo reputed on ſubſtantial grounds. It muſt be alſo proved, that they went where they were ſeen and apprehended, for no other purpoſe but to commit felony; and the Magiſtrate, who could have no intereſt in acting under a prejudice againſt the priſoner, was to exerciſe his judgement on the whole of the caſe, and to act upon that. If in any caſe he acted improperly,

the impropriety would appear, the authority of the Court of King's Bench would intervene, or in failure of that, the House of Commons would naturally be resorted to, and called to exercise its inquisitorial faculties on the subject. The ascertainment of a reputed thief in London and Westminster, was not so difficult a matter as gentlemen seemed to imagine. Disguises were worn by them, and their favourite disguise was assuming the appearance of a Clergyman; under which appearance thieves and pickpockets were every day to be seen waiting at bankers doors, and even at the doors of the Bank of England itself. Thus they brought that habit into disgrace, which when worn by those who had a right to wear it, was entitled to reverence and respect. He spoke of the regulations that had been so wisely adopted in the jails of Oxford, Worcester, and Dorset, and said, if all prisons adopted similar regulations, men's morals might be improved in prisons, and they might hereafter feel the advantage of having a certificate from such prisons to testify their good behaviour and reformed conduct. For the grounds he had stated, he felt himself guilty of no breach of duty in wishing to prevent the commission of crimes, and in giving his cordial support to a clause, highly necessary to a bill, which, in his opinion, was calculated to produce the best effects to such of His Majesty's subjects as either resided in London or Westminster, or had occasion to visit the metropolis.

Lord NORTH said, he had just heard as able a defence of the most arbitrary principles, that were possible to be reduced to practice, as the ingenuity of the most artful advocate could contrive. His Lordship observed, that according to the right honourable and learned gentleman, it was to be understood that it was necessary, for purposes of Police, to make over to those two great men, Mr. Townsend and Mr. Macmanus, the same extensive and unrestrained powers, as were vested in the two Consuls of Rome formerly, that they should take care, *ne quid detrimenti respublica capiat*; a circumstance to which, he declared, he, for one, could not but feel some small degree of repugnance. He discussed the manner in which reputed thieves were to be dealt with, and said, as it must be on oath that they were to be committed for six months, he had rather take such an oath after they had once been in prison on that ground, than

in the firſt inſtance. He obſerved that the Legiſlature had long ſince decided that no man ſhould be puniſhed before he was convicted, declared he thought the remedy ſo much worſe than the inconvenience it was meant to remove, that he ſhould vote againſt the clauſe.

Sir JAMES ERSKINE ST. CLAIR ſaid, he roſe to offer no argument whatever; he wiſhed merely to read the clauſe, and to ſhew that the firſt part was only introductory and matter of preamble, and that it did not warrant the concluſion.

Mr. MAINWARING ſaid, he had more than once preſented himſelf to the Speaker's eye, and unfortunately had not caught it, but that he felt anxious to avow himſelf the author of the clauſe complained of and objected againſt. His learned and his right honourable friends below him, Mr. Mainwaring ſaid, had, by their arguments, rendered much that he meant to ſubmit to the conſideration of the Houſe unneceſſary; but he could not help remarking that the gentlemen on the other ſide of the Houſe appeared to have conſidered the clauſe too much in the abſtract, and not ſufficiently to have conſidered the meaſure as oppoſed to the miſchief. Would thoſe honourable gentlemen ſay, that the ſubject was not entitled to the protection of that Houſe, in a matter that urgently called for legiſlative interference? It was generally well known, that large gangs of the moſt daring and deſperate fellows, who notoriouſly were thieves, and made no ſcruple of avowing that they lived by no other means than thieving, infeſted every ſtreet of the metropolis, and put the perſon and property of every individual paſſenger in danger every hour of the day and night; and that fact being undeniable, would it be contended that the Public had not a right to look up to that Houſe for their interpoſition, and for their adoption of ſome meaſure fit to remedy the evil, and reſtore ſafety to paſſengers? So far from theſe reputed thieves concealing the means they lived by, that they avowed it without ſcruple; and as a proof that they did ſo, he ſtated the caſe of a gentleman, who had, at no very diſtant period, upon diſcovering an attempt to have his watch taken from him, ſeized the thief, and was conducting him to a Magiſtrate's office. In his way there, ſome confederates came behind him, and one of them cut him acroſs his forehead, juſt over his eyes, in ſo dangerous a way, that his life was deſpaired of. The

thief escaped, which was certainly the least object of consideration, and the gentleman recovered. On his applying to a Magistrate's office, and describing the transaction, he was told, "Oh! that was such a man, (naming him); he goes about "town with a gardener's knife about him, and generally "wounds the person robbed, if he attempts to seize the thief." He was astonished that the people of the office should know who wounded him, but upon two of the persons stating, that they believed the man who had committed the act frequented a particular place, and asking if he would accompany them thither, though the situation was new to him, he consented. They then went, Mr. Mainwaring said, to a particular *rendezvous*, and on entering the room, they saw a number of persons, all known thieves, differently engaged; some at backgammon, some at cards, and some otherwise. As soon as they entered, they all behaved with great civility, and asked the Officers who they wanted? On the Officers stating the case, one of them said, it was not done by any of their people; perhaps it was done by such a person, (naming him), and if so, you will find him at the ———, where those of the gang he acts with meet every day. Nay, so little anxious, were the thieves to disavow their means of livelihood, that the spokesman said, "I knew "you could not want me. I think I am out of all danger "now, for I have taken to a new line, and am sure I am safe." If such things were going forward, did not the Speaker think, that justice was due to the Public, and that they had a right to look for protection? If it was not granted, he desired to know what sort of society it was in which they lived? No longer ago than last week, an honourable General, a Member of that House, going home before day-light was gone, six fellows came up to him in Abingdon-street, he was knocked down, and robbed of his watch and money. He demanded, if Mr. Barrington was not a man perfectly well known, and yet Mr. Barrington, who committed innumerable felonies before he was convicted, was seen repeatedly at church doors, when charity sermons were to be preached, and at other places, disguised as a Clergyman, a footman, and in other dresses. He, after stating this fully, appealed to the understandings of all who heard him, whether the clause was or was not necessary?

Sir WILLIAM DOLBEN admitted the utility of the clause in consequence, but urged the necessity of its being accompanied with a measure relatively connected with it, viz. the putting an end to those meetings which served as allurements to youth to vice and bad courses.

Mr. FOX desired to know, what farther punishment than six months imprisonment, the vagrant act authorised to be inflicted on those apprehended under its enactments?

Mr. Secretary DUNDAS said, he could only speak from memory, but he believed different punishments were allotted to offenders of different degrees of enormity.

Mr. ESTWICKE stated, that incorrigible rogues were to undergo whipping, as well as imprisonment.

Mr. POWYS desired that the act might speak for itself, and read the clause of the Vagrant act, which prescribed whipping and imprisonment for all rogues and vagabonds apprehended under certain circumstances.

The House divided on the clause;

For the clause, 114; Against it, 36. Majority 78.

After the division, strangers were not admitted into the gallery; but we understand that a second debate took place on amending the clause, and words were introduced into it, limiting the term of imprisonment to six months, including the time the person apprehended under it shall have been in custody before the Quarter Sessions.

On the question that the bill do pass,

Mr. FOX arraigned the general principle of the bill, as tending to a great increase of the patronage and influence of the Crown, while other means of correcting the evils which it was intended to correct, without such increase of patronage and influence, had not been tried.

Mr. DUNDAS replied to Mr. Fox, and the question passed in the affirmative, without a division.

Mr. Chancellor PITT moved the second reading of the new Appropriation bill, introduced in lieu of that thrown out yesterday, *pro forma*, on account of an amendment made in it by the Lords, and it was read a second time accordingly, and ordered to be committed. He then said, that as the substance of the bill had already been debated, and the alteration

made in it was merely formal, he did not ſuppoſe that it would be the ſubject of farther debate, and ſhould move, "that it be now committed."

Mr. FOX ſaid, he objected to one of the clauſes of the bill, and wiſhed for information reſpecting the ſteps intended to be taken for the reduction of the four per cents. with which the bill itſelf was in ſome degree connected, in fact, though not in form; and as other gentlemen might have obſervations to make upon it, it would hardly be proper to go into the Committee at ſo late an hour.

Mr. Chancellor PITT ſaid, any queſtions reſpecting the reduction of the four per cents. were as much connected with any other buſineſs, as with the bill, and might, with equal propriety, be put at any time. If objections were again to be made to the bill, it would certainly be proper to defer the commitment till another day.

After ſome farther converſation, it was agreed to go into the Committee to-morrow, as the firſt order of the day.

The Houſe adjourned.

Thurſday, 24th May.

On reading the order of the day for committing to a Committee of the whole Houſe the bill for providing for the reduction of the national debt, under the former principle of appropriating to it the growing produce of the ſinking fund, as well as for providing for the gradual reduction of the debt, in caſe of future loans,

Mr. FOX ſaid, he had ſeveral objections to the bill. He wiſhed to aſk the Miniſter whether the 4 per cents. were to be paid off now or not? He muſt obſerve, however, that if that plan had been adopted ſome time ago, a very conſiderable advantage would have been derived to the Public from it. That ſhould have been done at the time this bill was agitated, and when the 3 per cents. were at 96 or 97. That was ſuggeſted at the time, but the Chancellor of the Exchequer ſaid, he ſhould wait until the ſeſſion ſhould be pretty near its concluſion, under an expectation that they would be ſtill higher. He thought it better to take the advantage which then offered, rather than wait for a poſſibly better opportunity; and ſo he ad-

vised the Minister, because he was clearly of opinion, that whatever individuals may think fit to do, the Public, through the medium of that House, should always avoid speculation in the funds, and should proceed to reduce such of them as are redeemable at a time that it can be done with a positive advantage to the Public. But this the Chancellor of the Exchequer resisted, and the House adopted his sentiments, under what he was pleased to call a probability of their advancing still higher, forgetting totally that if there was a probability of their rising, there was also a possibility of their falling; and that fact actually happened; so that, comparing the advantage that might have been gained by reducing the 4 per cents. when the three's were at 96 or 7, he might safely say, that the Public lost three millions capital, and one hundred and seventy-six thousand pounds annuity, by the speculation of the Chancellor of the Exchequer. He did not affect to speak accurately as to precise sums; but he was rather under than over, on the point of calculation, which was evident on the face of it, the funds in question being now 8 or 9 per cent. lower than they were at that period. This, he said, confirmed him in his opinion of the propriety of taking an advantage, when the Public had it, instead of relying on a probable future rising. What could prove the danger of relying on future probability, on the rising and falling of the price of the funds, more strongly than what had happened; when the very person, who possessed the highest advantages of knowing the circumstances that are supposed to affect the funds, had been deceived so egregiously with respect to their rise and fall? He who was supposed to know every thing upon this subject, had lost the Public upwards of three millions by his speculations in this case. What conclusion was to be drawn from this, a plain and an obvious one—That if the Public have an opportunity of gaining a considerable sum at any one time, they should not forego it upon speculation, and the probability that the advantage will increase by time.—He should wish to know whether the Chancellor of the Exchequer intended to reduce the 4 per cents this session, or, as was generally rumoured, he meant to take the chance of time, and defer it to another year; and on this point he should not hesitate to say, that if asked, he should advise the reduction even now, for by it the Public would save upwards of one hun-

dred and feventy-fix thoufand pounds yet; and he freely confeffed he faw no reafon why that advantage fhould be foregone. It was true it fell deplorably fhort of the advantage that might have been gained at the opening of the feffion, when the Minifter was advifed to avail himfelf of it; but yet this was an advantage, which however fmall in the eyes of the Chancellor of the Exchequer, was yet confiderable, and we were not fure it would continue.

Mr. Chancellor PITT faid, that the grounds on which he intended to reduce the 4 per cents. he had opened on a former occafion, and therefore it was unneceffary for him to enter again into the detail. At the time of the bringing in of this bill he allowed that the advantage alluded to by the right honourable gentleman, might have been taken, but there was at that time under all the exifting circumftances, a rational degree of hope that the advantage would increafe, as the funds were at that time in a ftate of progreffive advancement. It was very true, however, that the event turned out contrary to expectation.— And although he allowed it was very poffible to rifk too much upon contingency, yet he could not be prevailed upon to think that all conjecture fhould be entirely excluded; and although he had been deceived nearly to the extent mentioned by the right honourable gentleman, yet he ftill had hopes, and he believed there was a probability, that in the courfe of twelve months the public funds will be in the very ftate which he conjectured they would be at the end of the prefent feffion. As to the reducing of the 4 per cents. which were now at 96, if reduced, it muft be at an hundred. He could not think that under all the circumftances the Public would be benefited by the reduction of the 4 per cents. this year; and he confeffed he had no fuch meafure at prefent in contemplation.

Mr. FOX complained that all the meafures of the Minifter were calculated upon what he called probabilities and fpeculation. He calculated upon a given event, that was highly to the advantage of the Public, becaufe it was poffible it might happen, forgetting it was poffible alfo it might not happen.— In all the affairs of this world nothing was more certain than that if one thing was poffible and might happen, that inftead of that thing, another, and contrary thing, might alfo happen. The Minifter confeffed he had for the prefent loft to the

Public three millions by his ſpeculation; but this was only for a while, and the caſe might alter—certainly it might—but it being loſt at preſent, was its being loſt totally and abſolutely as ever any loſs that happened; for as to the poſſibility of gaining, ſo there was a poſſibility of loſing in future ſpeculations. The Miniſter ſeemed in this caſe to be like bad judges of a game who play for money and loſe their fortunes. He had loſt once, but ſaid, he had not entirely loſt, for he might gain it back again. He did not remember that it was poſſible, that inſtead of regaining what he had loſt by renewing the play, he might loſe the remainder. But as to the probability of the thing, he confeſſed he had not the ſame means of forming a conjecture as the Miniſter—but with ſuch as he had, he proteſted he did not ſee the great probability there was of the funds riſing—what was to influence them to do ſo? The opinion of the Chancellor of the Exchequer—of that the Public had had a ſpecimen, and it had loſt them three millions capital, and upwards of one hundred and ſeventy thouſand pounds annuity; therefore as far as experience went, we had but indifferent ſecurity. Was there any thing on the continent that was very improbable at the opening of the ſeſſion, or was there any thing in the buſineſs the Houſe were to diſcuſs to-morrow (alluding to the proclamation) that would raiſe the public credit? Indeed he ſaw, in whatever light he viewed it, great danger in truſting to ſpeculation in the funds; for with all his knowledge and abilities, with all his ſtudy and application, with all his vaſt ſuperiority of every kind, the Chancellor of the Exchequer had been totally out of all calculation in his ſpeculation in the funds. He, whoſe opinion was not even to be eſtimated; he, who if he had choſen to turn broker (he meant no reproach) might have had his own price for his opinion, was, after all, miſerably deceived in his conjecture. What was to be learnt from this? One leſſon, that ſpeculation in the funds are unfit for Parliament to reſt the ſtate of our finance upon, and to regulate them accordingly.

Mr. Chancellor PITT replied, with reminding the right honourable gentleman, that four per cents. were at 96, and contended, that any prudent ſpeculator would have acted as he had done, and preferred a permanent ground of ſpeculation to a caſual one.

On the reading of the clause, that no future loan ſhall take place, without means being taken at the ſame time for the payment of a certain portion of the capital as well as the immediate intereſt, a debate of conſiderable length took place.

Mr. FOX entered into the whole of the principle of this clauſe, and maintained the hardſhips it would impoſe on others for the temporary eaſe of ourſelves. He treated it as a mode of legiſlating for poſterity, who, in all probability, will be as patriotic as ourſelves, as good as ourſelves, as wiſe as ourſelves, and wiſer, for wiſdom is progreſſive. He then went over the objections which he ſtated on the former bill, and diſſented from the clauſe altogether.

Mr. Chancellor PITT obſerved, that the whole of the ſubject had been diſcuſſed in the Houſe before, and the Houſe had determined on it; and, but for an accident, it would not now be before them. [This alluded to an amendment made by the Lords, which, being a money bill, rendered it neceſſary that the bill ſhould be rejected by the Commons, and another bill brought in, as all money bills muſt originate in the Commons.] He then went much at length into the principle of the clauſe in queſtion, and defended it ſtrenuouſly, upon principles already detailed to the Public.

The bill then paſſed the Committee, and the Chairman reported progreſs.

The report was received immediately, read, and agreed to.

The Houſe adjourned.

Friday, 25th May.

On the motion of the LORD ADVOCATE OF SCOTLAND, the bill for altering and regulating the mode of accounting in the Royal burghs of Scotland, was read a ſecond time.

On the motion for its commitment,

Mr. FOX obſerved, that he believed this bill was merely illuſory; that thoſe who complained of abuſes in the Royal burghs would be of that opinion, and would require ſomething infinitely more before they ſhould be ſatisfied on that

point. He believed that when his honourable friend, (Mr. Sheridan) who was at present unavoidably absent, should be able to attend his duty in that House, a farther step would be proposed upon that subject; perhaps that proposition would come forward on the motion for the House to resolve itself into a Committee.

The question was then put for the House to resolve itself into this Committee on Wednesday next. Ordered.

Mr. Dundas moved the order of the day, which was for the House to take the King's proclamation into consideration. The proclamation was then read:

" GEORGE R.

" Whereas divers wicked and seditious writings have " been printed, published, and industriously dispersed, " tending to excite tumult and disorder, by endeavouring " to raise groundless jealousies and discontents in the " minds of our faithful and loving subjects, respecting " the laws and happy constitution of Government, civil " and religious, established in this kingdom; and endea- " vouring to villify and bring into contempt the wise and " wholesome provisions made at the time of the glorious " revolution, and since strengthened and confirmed by " subsequent laws for the preservation and security of the " rights and liberties of our faithful and loving subjects: " And whereas divers writings have also been printed, " published, and industriously dispersed, recommending " the said wicked and seditious publications to the at- " tention of all our faithful and loving subjects: And " whereas we have also reason to believe that correspon- " dences have been entered into with sundry persons in " foreign parts, with a view to forward the criminal and " wicked purposes above mentioned. And whereas the " wealth, happiness, and prosperity of this kingdom do, " under Divine Providence, chiefly depend upon a due " submission to the laws, a just confidence in the integ- " rity and wisdom of Parliament, and a continuance of " that zealous attachment to the government and con-

" ſtitution of the kingdom, which has ever prevailed in
" the minds of the people thereof: And whereas there
" is nothing which we ſo earneſtly deſire as to ſecure the
" public peace and proſperity, and to preſerve to all our
" loving ſubjects the full enjoyment of their rights and
" liberties, both religious and civil: We, therefore, be-
" ing reſolved, as far as in us lies, to repreſs the wicked
" and ſeditious practices aforeſaid, and to deter all per-
" ſons from following ſo pernicious an example, have
" thought fit, by the advice of our Privy Council, to
" iſſue this our Royal proclamation, ſolemnly warning
" all our loving ſubjects, as they tender their own hap-
" pineſs, and that of their poſterity, to guard againſt all
" ſuch attempts which aim at the ſubverſion of all re-
" gular government within this kingdom, and which are
" inconſiſtent with the peace and order of ſociety; and
" earneſtly exhorting them at all times, and to the ut-
" moſt of their power, to avoid and diſcourage all pro-
" ceedings, tending to produce riots and tumults; and
" we do ſtrictly charge and command all our Magiſtrates
" in and throughout our kingdom of Great Britain, that
" they do make diligent inquiry in order to diſcover the
" authors and printers of ſuch wicked and ſeditious writ-
" ings as aforeſaid, and all others who ſhall diſperſe the
" ſame: And we do further charge and command all our
" Sheriffs, Juſtices of the Peace, chief Magiſtrates in
" our cities, boroughs, and corporations, and all other
" our Officers and Magiſtrates throughout our kingdom
" of Great Britain, that they do, in their ſeveral and re-
" ſpective ſtations, take the moſt immediate and effectual
" care to ſuppreſs and prevent all riots, tumults, and
" other diſorders, which may be attempted to be raiſed
" or made by any perſon or perſons, which, on what-
" ever pretext they may be grounded, are not only con-
" trary to the law, but dangerous to the moſt important
" intereſts of this kingdom: And we do further require
" and command all and every our Magiſtrates aforeſaid,
" that they do, from time to time, tranſmit to one of

" our principal Secretaries of State, due and full infor-
" mation of such persons as shall be found offending as
" aforesaid, or in any degree aiding or abetting therein;
" it being our determination, for the preservation of the
" peace and happiness of our faithful and loving subjects,
" to carry the laws vigorously into execution against
" such offenders as aforesaid.

" Given at our Court at the Queen's House, the
" twenty-first day of May, one thousand seven
" hundred and ninety-two, in the thirty-second
" year of our reign."

The MASTER OF THE ROLLS said, he rose with great satisfaction to call the attention of the House to the proclamation they had just heard. That satisfaction arose from a hope he entertained, that the ground on which that measure was issued, and what he intended to move on it, would meet with a warm and general concurrence from that House and the Public. He hoped that whatever differences might exist amongst many honourable Members of that House upon some points, they would all agree on this. He trusted they were all actuated by a dutiful and loyal obedience to the King, and a firm resolution to maintain the purity of the law; and that they would use their best endeavours to secure both against all the attempts of designing persons to lessen the dignity of the one, or degrade and villify the other.

The proclamation said, that divers wicked and seditious writings have been printed, published, and industriously dispersed, tending to excite tumult and disorder, by endeavouring to raise groundless jealousies and discontents in the minds of His Majesty's subjects, which, in other words, tended to inculcate principles that were utterly subversive of civil society, and that subordination, without which a State could not exist. It might have been expected, perhaps, that such publications should meet with the contempt they merited, and be consigned to oblivion. But sorry he was to observe, that it was true that

there were in this country not only perſons who promoted the circulation of theſe publications, and that bodies of men were formed, who held forth principles of the moſt dangerous nature as objects of example and imitation, and recommended them to the peruſal and attention of the people of this country, much to the danger of the preſent form of our Government, but alſo endeavoured to call the attention of every individual in this country to what was denominated abuſes and grievances, preferring the forms of Government in other countries to that under which we at preſent had the happineſs to live.— For this moſt dangerous and wicked purpoſe, correſpondences were held by perſons in the country with thoſe in foreign parts, for the effectual overthrow of this happy State. In ſuch a condition of affairs, he appealed to every man in that Houſe, whether the executive Government of this country had not acted wiſely in taking the meaſure they had againſt the farther progreſs of ſuch dangerous doctrines. When he ſaw in this country ſuch correſpondence with foreign nations, and when he reflected on what had lately happened in a foreign country, in conſequence of the prevalence of the principles to which he alluded, and when he had reaſon to fear that miſery would be the reſult, and when he frequently heard ſome diſcuſſions on the ſubject, and knew that notice had been given of an intention to renew them, it was enough for him to ſay that ſuch diſcuſſions at this time are dangerous, and that ſuch a ſituation as this is requires that we ſhould be very careful to guard againſt every attempt at alteration. He recollected a part of the ſpeech of an honourable Baronet (Sir James Murray) who ſeconded the addreſs at the opening of the preſent ſeſſion; that part of the ſpeech gave him great pleaſure in the recollection, as well as it did at the time it was delivered. It was, "that "there was a great and leading diſtinction between the "conſtitution of this country and the old conſtitution of "France. The French had deſtroyed theirs becauſe it "was eſſentially a bad conſtitution—we ſhould preſerve

" ours becaufe it was effentially a good one." Then why were the people of this country to have their attention withdrawn from the contemplation of the happinefs they enjoy, and vifionary theories held out to them, by which all the bleffings they now have might be loft, for fuch was the tendency of many publications, of which His Majefty, in his Royal proclamation, took notice. He thought that the people fhould be taught to avoid the perufal of all publications whatever that had any fuch tendency. Some of them were fpecioufly worded, but they covertly aimed at the deftruction of our form of Government. They had been circulated with great induftry through fchools and feminaries of learning, and if they began to make a progrefs towards the converfion of fome young perfons, it was high time for Government to look into what probably will be the confequence of fuch publications. He did not, he faid, go too far when he faid this, and the Houfe, he believed, would be of the fame opinion, when he fhould read to them an extract from one of thefe publications, which was, " That all Government " was tyranny, that all Kings were tyrants, and their fub- " jects flaves." This was not indirectly, but directly an attack upon all Government whatever. The confequence of fuch doctrine, if followed up, would be to put an end to all moral obligation, to produce a diffolution of the tie by which man was bound in civil fociety, an end to all civil connections, all returns of obedience and gratitude for fecurity and protection. All this he ftated to be the direct confequence of thefe attempts if they fhould fucceed. The conduct of every good man fhould be directed to fuppreſs thefe attempts. Such a man would feel it incumbent upon himfelf to follow the dictates of religion and morality, and make the law the rule of his conduct upon all occafions, and in every manner poffible to difcountenance thefe principles, and to do every thing in his power to refift whatever may endanger the public tranquillity; to counteract thefe poifonous publications which had been fo induftriouſly circulated. Here he quoted a fentence from Mr. Burke's book upon the

French revolution, expressive of that right honourable gentleman's apprehension of the effects that might follow from the zeal, fraud, and ignorance of persons calling themselves reformers. The learned gentleman then said that he could not think that the executive Government were wrong in this case; nor did he think that the proclamation they had heard read would appear improper in the opinion of the House. He then moved,

"That an humble address be presented to His Majesty "to assure His Majesty, that we have taken into our most "serious consideration His Majesty's Royal proclamation, "which, by His Majesty's command has been laid before "us; and we beg leave to restify to His Majesty, our warm "and grateful sense of this fresh proof of His Majesty's "constant solicitude for the welfare and happiness of his "people.

"That we cannot see without indignation, the attempts "which have been made to weaken in the minds of His "Majesty's Subjects, sentiments of obedience to the "laws, and of attachment to the form of Government "Civil and Religious, so happily established within this "realm.

"That the advantages which, under the Government of "His Majesty and his illustrious Ancestors, have been de-"rived from legal and well-regulated freedom, and in the "unexampled blessings which we actually enjoy, afford to "His Majesty's Subjects peculiar motives to reflect with "gratitude on their present situation, and to beware of "those delusive theories, which are inconsistent with the "relation and duties of all civil society, and that we deem "it, under the present circumstances, the peculiar duty of "every good citizen, to discourage and counteract every "attempt, direct and indirect, against public order and "tranquillity, &c. &c. &c."

Mr. POWYS rose to second the motion, and to adopt every sentiment which had been uttered by the honourable and learned gentleman who made this motion, a concurrence for which he believed he had competitors in every

quarter of that Houfe. He thought it unneceffary to fay more at prefent upon this fubject, becaufe he believed they fhould be unanimous on this occafion. But if there fhould be any diffent, and there was to be a debate upon the fubject, he fhould beg the Houfe to confider him as referving himfelf at prefent, and that he fhould be hereafter heard.

Mr. BRANDLING thought it his duty to his Sovereign to vote in favour of this addrefs, and thought alfo that by doing fo, he fhould contribute to promote the intereft of that Houfe, and of the Public at large. He begged leave to call the attention of the Houfe to the fituation of this country at the conclufion of the American war, and to compare it with the fituation of this country at the prefent moment. At the conclufion of that war, our landed property was depreciated very much, and our funds were very low. Had not the funds rifen near thirty per cent. from that time, and the land advanced in value above ten years purchafe? Was not our commerce almoft as extenfive as the ocean itfelf, and were we not at peace, and in every refpect as happy as any people in the whole world? This was the fituation in which we ftood at this moment; this was a fituation which we ought to endeavour to preferve. He called upon every man in the kingdom to fay whether we fhould hazard this fituation for the fake of giving way to fpeculative opinions. We fhould be content with the great bleffings which we enjoyed; nay, they were not all ours, we had only a life eftate in them, for they were the inheritance of our children. He therefore entreated the Houfe to preferve their bleffings, for that by doing fo we did our duty in this world, and laid down a fair ground to hope for happinefs in the next.

Mr. GREY faid, that the addrefs which had been moved by the learned gentleman, as far as it was confined to an expreffion of attachment to the Family on the throne, for fecuring the happinefs of the people of this country, and as far as it regarded the fupport of the conftitution, had his entire approbation. Neither he, nor any man in that Houfe,

could have any objection to it in that view. But when he considered this address as coupled with other circumstances, he must aver, that to him, at least, there were objections to it in its present form, which, except from these circumstances, he should not feel.

A proclamation had been issued, on which he hardly knew how to express himself, because he could hardly distinguish whether the sentiment that gave it birth was more impotent or malicious. He begged he might be understood. He imputed no malice, nor did he insinuate, or wish to convey any thing disrespectful of the Throne. All the measures that came from that quarter he considered as abstracted from the illustrious personage whose name they bore, and wished to treat them as they really were, as the measures of those who advised the Sovereign, and who were always responsable for their conduct, and accountable to that House. If, therefore, he said, he saw in this proclamation any thing culpable, and reprehensible, any thing of impotence or malignity, it was to them, and to them only, that he applied these expressions. It was well known that he, and those with whom he had the honour to be engaged, stood pledged to that House and to the Public to a measure which had of late excited a considerable sensation in that House, and had obtained some attention of the Public. But when he applied to this subject, and appealed to those who did him the honour to attend to the notice he gave, that he should in the course of the next session of Parliament move for a reform; and as he feared he should not have the countenance of those whose friendship he esteemed, and with whom he concurred in general; destitute of the encouragement he could wish to have, he felt himself under the necessity, implicated as he was in this case, to request the indulgence of the House, while he stated, openly and fairly, all he thought, and all he felt upon this occasion. He could have no wish to disguise his sentiments, he had no reason to conceal his feelings. As far as these were concerned, he should ask no favour, he should claim no indulgence, he would freely, fully, fairly, impartially state his

whole ſentiments upon this important ſubject. Thoſe whoſe views were honourable needed no concealment.——Thoſe with whom he uſually had the good fortune to act, and whoſe friendſhip he eſteemed, but who differed from him in opinion on the preſent ſubject, he knew to be men of honour; and although they differed, he muſt do them the juſtice to ſay, what he really felt, that they were in this, as in other caſes, actuated by the pureſt motives.—They were, although he was not, impreſſed with an apprehenſion of danger at the idea of bringing forward a motion for a reformation in Parliament. They had ſtated their ſentiments fairly and candidly. He thought their apprehenſions groundleſs; but he hoped he might, without offence to them, purſue his meaſure at the time in which he had given notice he ſhould bring it forward. But here he muſt be allowed to tell the Houſe that it was extremely hard that his friends and himſelf ſhould be placed in a ſituation which they muſt feel an uneaſy one, being compelled to differ in their expreſſions to night, becauſe they differed in opinion, and to appear as if their general concurrence of ſentiment no longer exiſted. This was a meaſure inſidiouſly contrived, and adopted with no other view than to ſeparate thoſe who had been ſo long connected. It was a meaſure concerted by him whoſe greateſt delight was to ſee diſcord ſuperſede harmony among thoſe who oppoſe his meaſures. Never was a man in that Houſe who delighted more in theſe ſiniſter practices than the right honourable gentleman. He whoſe whole political life was a tiſſue of conſtant inconſiſtency; of aſſertion and retraction; he who never propoſed a meaſure without intending to delude his hearers, who promiſed every thing and performed nothing, who never kept his word with the Public, who ſtudied all the arts of captivating popularity, without ever intending to deſerve it; who was a complete public apoſtate from the firſt ſtep of his political life, down to the preſent moment, whoſe political malignity was now to be crowned, by an endeavour to ſeparate the deareſt.—[Here there was a mixed cry of Order! Order! Order!—Go on! Go on! Go on.]

When it had fubfided he proceeded, and obferved, that clamour fhould never meet with any thing but contempt from him. If he had erred from the order of debate, there was a proper mode of checking him; and he wifhed, before he proceeded any farther, to take an opinion from the Chair, that was, fuppofing that any thing but clamour was intended, if there really was any complaint to be made againft him for what he had faid; if there was a gentleman who, in truth, thought him to be out of order in what he had faid, he hoped fuch gentleman would have the manlinefs to ftep forward and make the accufation. [A paufe of a few feconds took place, no complaint being made, Mr. Grey proceeded.] He fhould then repeat, that if there was a man in that Houfe who had a purpofe to anfwer, and whofe malignity could be gratified by feparating the deareft friends, for the purpofe of making it appear that they were inconfiftent with themfelves, and with a view of fhewing that all their efforts were the refult of faction, and not really arifing from a general concurrence of principle, in order that they might be looked on with indifference by the country at large; it was the right honourable gentleman. He whofe whole conduct was an uninterrupted feries of contemptuous difdain of the deareft rights and privileges of the people, whofe uniform daily practice was calculated to deftroy the beft privileges of that Houfe, fupported by——

Mr. YORKE called to order, and faid, that the honourable gentleman, by his appearance, looked as if he pointed at him, at the fame time he muft fay he thought him extremely diforderly. [Chair! Chair! Chair! was loudly called, and Mr. Yorke fat down.]

The SPEAKER faid, that had he felt that the honourable Member was proceeding in a diforderly manner, he fhould have interrupted him.

Mr. GREY faid, that he might not be liable to any more interruptions, he wifhed to call for the decifion of the Chair, whether he was regular or not.

The SPEAKER declared he did not think there was any irregularity imputable to Mr. Grey; if he had thought there

was, he ſhould have been guilty of a breach of his duty not to have interrupted him.

Mr. GREY went on; he obſerved that if he had not heard the honourable gentleman who interrupted him, he ſhould not have known he was in the Houſe. But to proceed to the ſubject of the debate. Thoſe who had ſpoken on this ſubject had expreſſed a wiſh that the addreſs juſt moved ſhould meet with the unanimous concurrence of that Houſe. He had already ſtated, that he felt parts of it that were objectionable, and he ſhould now proceed to obſerve upon them. The learned gentleman who had moved the addreſs had ſaid, it belonged to Government to take up this ſubject, and to do all that could be done to ſuppreſs the publications to which he alluded. Upon this he muſt obſerve, that if theſe publications were dangerous, if they had an evil tendency, there was another mode of proceeding. The preſent mode was irregular, inefficient, and miſchievous. The probable effect was alarming, for that the mode altogether, under all the circumſtances, would appear in the eyes of the people to be the offspring of extreme and peculiar malignity. Why was this mode adopted? If there were publiſhed writings that ought not to have appeared, His Majeſty's Miniſters ought to have proſecuted the authors, printers, and publiſhers of them. As to any publications that were ſaid to be dangerous, he begged leave to ſay he gave no opinion upon that ſubject. In a general point of view he thought that there ought to be a perfect liberty for the circulation of all opinions upon public affairs. If there was any thing that involved the public ſafety, or threatened evil to the State, it was the duty of thoſe who preſided over the affairs of Government to take notice of it; and it would then become a conſideration of prudence whether it was expedient to proſecute or not. But if they were ſure that there was any thing circulated that ought really to be ſuppreſſed, and the authors and printers puniſhed, there certainly was a power in the hands of His Majeſty's Miniſters by means of which they might put a ſtop to ſuch proceedings, without having recourſe to a proclamation in general terms, forbidding any circulation of writings. This could not fail to create a general alarm. Inſtead of being conducive to the preſervation of the peace, it would produce directly the reverſe, and nothing but tumult could be expected. What had been the

conduct of gentlemen who now complained, who now affected to be alarmed, who now saw danger and sedition in certain writings, who now called on that House to co-operate with them in suppressing these publications by giving their sanction to a proclamation so extraordinary, that he defied any Member of that House to produce a similar one, on such an occasion. What had His Majesty's Ministers been employed in all the time, during which these publications had been circulating? where was their vigilance and solicitude for the tranquillity of the kingdom all this while? upwards of twelve months had elapsed since the publications, which were deemed the most seditious and the most dangerous, had made their appearance. What would they now say for themselves, or what would the Public think of the conduct of the Ministers of the Crown, who had suffered these publications, which are said to be the bane of public tranquillity, to poison the public mind for a whole year? Either they should have prosecuted sooner, or they should not have prosecuted at all. Indeed, he feared there was too much justice in an observation made use of by an honourable friend of his (Mr. Whitbread) on a former day; he had said, that there were in this country, persons who had toleration on their lips and persecution in their conduct. As to persecution, he did not believe that those who were persecutors, believe themselves to be so. He did believe, that while a person was acting upon a principle the most persecuting, he did not consider himself as acting upon a wrong principle; self-love imposed upon, subdued, and silenced conscience, and imposed its own terms upon the judgement and understanding. It was the general character of persecution to be blind, as well as cruel. Persecution was, therefore, often to be seen in the conduct, while its abettors thought their hearts were pure.

He wished to know what the motives could be that brought forward at this time this sudden show of ardour to subdue disorder; had it always manifested itself in the conduct of Ministers? Had they always been as alert as now they seemed? Was there any remarkable activity displayed in preserving order in the affairs of Birmingham, where there had been actual outrage and violence to the laws, and to liberty and order? Indeed he feared that the conduct of Government on that occasion, was not what it would have been had the circumstances

been reverfed. Had thofe who were the fufferers been in fact the offenders, inftead of thofe who were fuppofed to be the friends of the Government of the kingdom, he believed a very different mode would have been adopted to quell the riots; and to punifh the rioters. But to return to the feditious writings which are now to be prohibited, their evil tendency, although publifhed twelve months, is but juft now difcovered. They muft be fuppreffed at once, and how? The King's Commiffioners of the Peace, his Magiftrates, his Officers throughout the kingdom, were to make diligent inquiry, in order to difcover the authors and printers of fuch wicked and feditious writings; perfons who never were fuppofed, till now, to have had any thing to do with this fort of bufinefs. In general Magiftrates were fuppofed to be men of fome character and fortune, here they were turned into informers. A fyftem of Efpionnage was to take place by order of the Crown. The very idea was furprifing as well as odious, that a proclamation fhould iffue from the Sovereign of a free people commanding fuch a fyftem, to be fupported by fpies and informers.

Here he would quote a paffage from an honourable gentleman's addrefs to his conftituents, which defcribed the fituation which this proclamation had a tendency to produce.

" Gentlemen, bad laws are the worft fort of tyranny; in fuch a country as this, they are of all bad things the worft, worfe by far than any where elfe; and they derive a particular malignity even from the wifdom and foundnefs of the reft of our inftitutions, for very obvious reafons. You cannot truft the Crown with a difpenfing power over any of your laws. However, a Government, be it as bad as it may, will in the exercife of a difcretionary power, difcriminate the times and perfons, and will not ordinarily purfue any man, when its own fafety is not concerned. A mercenary informer knows no diftinction. Under fuch a fyftem, the obnoxious people are flaves not only to the Government, but they live at the mercy of every individual; they are at once the flaves of the whole community, and of every part of it; and the worft and moft unmerciful men are thofe on whofe goodnefs they moft depend.

" In this fituation men not only fhrink from the frowns of a ftern Magiftrate, but they are obliged to fly from their very fpecies; the feeds of deftruction are fown in civil intercourfe,

in ſocial habitudes. The blood of wholeſome kindreds is infected; their tables and beds are ſurrounded with ſnares; all the means given by Providence to make life ſafe and comfortable, are perverted into inſtruments of terror and torment; this ſpecies of univerſal ſubſerviency, that makes the very ſervant who waits behind your chair, the arbiter of your life and fortune, has ſuch a tendency to degrade and abuſe mankind, and to deprive them of that aſſured and liberal ſtate of mind, which alone can make us what we ought to be, that I vow to God I would ſooner bring myſelf to put a man to immediate death for opinions I diſliked, and ſo to get rid of the man and his opinions at once, than to fret him with a feveriſh being, tainted with the jail-diſtemper of a contagious ſervitude; to keep him above ground, an animated maſs of putrefaction, corrupted himſelf, and corruption all about him."

Such was the character with which this proclamation went to inveſt the Magiſtrates, and ſuch the effects it was calculated to produce to the ſubjects.

As to what had been ſaid on the conſtitution of France, and the charge that had been made againſt the reformers, that they intended to follow the example of that country, it was eaſily anſwered. It was true, he believed, there exiſted grievances, and great grievances too, in this country; but care had been taken by the gentlemen with whom he acted, and whoſe object was a temperate reform, to ſtate expreſsly that there was a great and fundamental difference between the condition of England and that of France. He believed that there was no ſimilar neceſſity. Theirs was a conſtitution which defied reform—ours was a conſtitution capable of reform, but calling aloud for it. They had taken care to ſay ſo in their declaration upon that ſubject, and yet they were every hour traduced and vilified, charged with intending what they not only had repeatedly ſaid they did not wiſh, but againſt which they had openly declared they would uſe their utmoſt efforts. He obſerved that theſe points were nearly as clear to every candid man in the kingdom as the learned gentleman's maxim, "That every good man "would be governed by the rules of morality and religion" a maxim to-night ſo powerfully recommended, that for the future he had no doubt it would be univerſally purſued.

An honourable Member under the gallery (Mr. Brandling) who favoured the Houfe with his fentiments to-night, had made a great diftinction between the fituation of this country at the time of the American war, and its fituation at the prefent moment, and in confequence of the comparifon, had brought his mind to be clearly againft all parliamentary reform, and even againft the publifhing fpeculative opinions on the ftate of our Government; this certainly was neceffary for that honourable gentleman to ftate for the fake of his own confiftency, for it was well known that he had, at the conclufion of the American war, taken an active part, in the county of Cumberland, in favour of a parliamentary reform. But what, in truth, had made the difference between the time of the conclufion of that war and the prefent period on the fubject of reform? Had we any fecurity of the friendfhip and amity of any foreign Powers by what we had lately done? Was there any thing in our late proceedings that made us fuppofe that the prefent Houfe was more the organ of the public voice than when that war was terminated? Was the affair of Nootka Sound a proof of this? Had we conciliated Spain by our conduct on that occafion? Was the armament againft Ruffia any extraordinary proof that Parliament fpoke the genuine fentiments of the people? Did the Chancellor of the Exchequer imagine that his conduct towards foreign Powers had contributed to the making of them all our friends, and that therefore we were entirely out of danger from foreign enmity? Or was the reprefentation defective, when the Chancellor of the Exchequer made a motion to reform it, but became pure at once, as foon as he came into power? And was the neceffity of it entirely out of the queftion, while he remained in office? But it feems that the propofition for a parliamentary reform was improper, on two grounds, for fo the Chancellor of the Exchequer told the Houfe at the time he (Mr. Grey) did himfelf the honour to give notice of his intended motion. The time, it feemed, and the mode were both objectionable. Now what was the conduct of Mr. William Pitt in the month of May 1782? perhaps the Houfe would not be difpleafed if they heard.

"Thatched House Tavern, May 16, 1782.

"At a numerous and respectable meeting of Members of Parliament, friendly to a constitutional reformation, and of "Members of several Committees of Counties and Cities— "Present,

The Duke of Richmond,	The Hon. William Pitt,
Lord Surrey,	The Rev. Mr. Wyvill,
Lord Mahon,	Major Cartwright,
The Lord Mayor,	Mr. Horne Tooke, &c. &c.

"Resolved unanimously, That the motion of the honourable "William Pitt, on the 7th inst. for the appointment of a Committee of the House of Commons to enquire into the state of "the representation of the people of Great Britain, and to report the same to the House, and also what steps it might be "necessary to take, having been defeated by a motion for the "order of the day, it is become indispensably necessary that "application should be made to Parliament, by petitions from "the collective body of the people, in their respective districts, "requesting a substantial reformation of the Commons House "of Parliament.

"Resolved unanimously, That this meeting, considering "that a general application by the collective body of the People "to the House of Commons, cannot be made before the close "of the present session, is of opinion that the sense of the "people should be taken at such times as may be convenient "during this summer, in order to lay their several petitions "before Parliament early in the next session, when their proposals for a parliamentary reformation, (without which neither the liberty of the nation can be preserved, nor the permanence of a wise and virtuous Administration can be secure) may receive that ample and mature discussion, which "so momentous a question demands."

What did the Committee for a Parliamentary Reform do? Precisely what William Pitt did in the year 1782. So much for the objections against time and mode urged by the Chancellor of the Exchequer in the year 1792. His arguments might satisfy himself, but he believed it would not be quite so easy to satisfy the Public in this way. It ill accorded with the former

professions of the Chancellor of the Exchequer, or of his illustrious father, with whom a parliamentary reform was a darling object, as would appear in an ingenious and able pamphlet, written by Sir Brook Boothby, of which the following was an extract:

"This reform may, it ought to be, nay, I think it must "be, speedily obtained. It cannot be brought forward under "more fortunate auspices. It was the last legacy of the dying "Chatham, and the virgin effort of our present Minister.— "His honour and piety are both engaged to persevere in it to "effect. And if the son's face is not stamped with those "grand and prominent features which gave such irresistible "command to the countenance of the father, his powers of "influence are not less efficacious."

In truth, the Minister could not say a syllable against a parliamentary reform, without an utter dereliction of principle.

Another of His Majesty's Cabinet Ministers, who now felt such horror at any thing like an attempt at alteration, (he meant the Duke of Richmond) had, in a letter to Colonel Sharman, Chairman of the Committee in Ireland, appointed by the volunteer corps, dated the 14th of November, 1783, expressed himself to the following effect:

"For my part, I agree in opinion with those who are for "restoring to all parts of the State their just rights; at the "same time, to do it generally, not partially, is what I must "contend for; at the same time, I admit that I am not for "restoring the negative of the Crown. My reason is, that it "appears to me preposterous, that the will of one man should "for ever obstruct every regulation which all the rest of the "nation may think necessary. I object to it, as I would to "any other prerogative of the Crown, or privilege of the "Lords or People, that is not founded on reason *."

Now, could there be any thing more extraordinary than the opposition of Ministers to the present desire for reformation, and their fears from the proceedings of the society? What security would the Public have for the sincerity of these gentle-

* Vide the Remembrancer, Vol. XVI. printed for J. Debrett, Piccadilly.

men? Why was there ſuch horror expreſſed at Aſſociations? What was their public declaration upon this ſubject? Was it not a bond and pledge, from which, as men of honour, they could not depart; or if they did, how could they expect credit from the Public? And when their credit with the Public was at an end, there would be an end alſo of their danger, if any ſuch were apprehended; and yet, under all theſe circumſtances, it was deemed fit to iſſue a proclamation, to warn the Public againſt the conduct of men with ſuch honourable intentions, for ſo he would maintain they were, and he challenged any man in the kingdom to aſſert the contrary. Indeed, it was quite ridiculous to endeavour to conceal the chief cauſe of this famous proclamation; he knew it to be, and he believed it would not be denied, for the purpoſe of bringing a jealouſy and ſuſpicion into the minds of the people, with reſpect to the intentions of this ſociety. It was a ſociety, which he muſt repeat, that had given a bond to the people, which they could not depart from, and this, to remove all doubts of their intention; nor was there one man of honour in the kingdom, who knew any thing of them, who was not ſatisfied they were in reality what they called themſelves, "The Friends of the People." He muſt therefore maintain, that this proclamation, and the manner in which it was now followed up, was a malicious proceeding. Firſt, it defamed the Aſſociation, and held up a number of reſpectable men to the odium of the Public, and charged them with intentions which they had plainly diſavowed, of endeavouring to change the form of Government in this country; and now the Houſe of Commons were called upon to concur in that ſlander, without allowing theſe gentlemen to expreſs their ſentiments upon the ſubject, or obtain the opinion of the people. Secondly, it was malicious; becauſe it was brought forward to ſhew that thoſe who uſually act together on all other occaſions, differ upon this, for the purpoſe of conveying to the Public that they were diſunited. Thirdly, it was brought forward, by way of taking a chance that this difference in one inſtance might make a difference in every inſtance between thoſe who had ſo long and ſo cordially united upon principle. But he truſted the people would have too much good ſenſe and diſcernment to be impoſed upon by the two firſt, and he was ſure there was too well-founded an attachment between the parties

to make the other of any avail whatever. As to the indecent insinuation, that the Friends of the People were defective in their attachment to the Throne, it was infinitely too foul a calumny to merit any thing but contempt. What he had said on the proclamation, was applicable not to the Sovereign, but to those who had advised it; this he begged to be remembered. As to the part he had taken, he was ready to answer for it whenever he should be called upon; and whether he should differ from, or agree with, most of those with whom he had the pleasure to act, he should always entertain the same sentiments of esteem for them. Still more particularly must he acknowledge the friendship and favour he had received from one of them in particular; a man whom he had too much affection for to flatter him—a man whom he could never forget for a moment, nor the honour he derived from his acquaintance—

—— *Dum memor ipse mei.*

A man, who though placed in a situation exceedingly delicate, and of a trying nature, between friends of different opinions, and for whom he had an equal degree of affection, yet, even here, had manifested an elevation of soul, a dignity of deportment, a nobility of principle, a consistency of conduct, that cast a lustre on his unrivalled talents, and ornamented his virtue. These observations he could not avoid; they came from an honest heart; and he hoped that right honourable gentleman would not be displeased at its effusion; for at an early time of life he had formed this attachment, which had progressively increased by time, and could not now find words adequate to express what he really felt. He should now move an amendment on this address, which was,

"That an humble address be presented to His Majesty, to thank His Majesty for the gracious communication he has been pleased to make to this House of His Majesty's Royal proclamation.

"To assure His Majesty that his faithful Commons will be at all times ready to manifest their attachment to His Majesty's Royal family and person, and to that happy constitution of this country as established at the time of the glorious revolution, by openly resisting, to the utmost of their power and ability,

wherever they may appear, "any attempts which aim at the "subversion of all regular government within this kingdom, "and which are inconsistent with the peace and order of society."

"To assure His Majesty, that his faithful Commons most cordially participate in the gracious sentiments expressed by His Majesty; and that there is "nothing they so earnestly desire, "as to secure the public peace and prosperity; and to preserve "to a loyal people, the full enjoyment of their rights, both religious and civil." That they are confident this benevolent desire cannot be defeated, when they consider His Majesty's paternal care and regard for his people; and the fixed attachment which His Majesty's faithful subjects bear to the happy form of our government, and the genuine principles of the constitution. These His Majesty's faithful Commons cherish as objects of just affection; not from any implicit reverence, or habitual superstition, but as institutions best calculated to secure the blessings of liberty and order; and because they are convinced, that on them the wealth, "happiness, and prosperity of this kingdom, under Divine Providence, chiefly depend."

"Humbly to represent to His Majesty, that if any "wicked "and seditious writings have been printed, published, and industriously dispersed, tending to excite tumult and disorder, "by endeavouring to raise groundless jealousies and discontents "in the minds of His Majesty's faithful and loving subjects, "respecting the laws and happy constitution of Government, "civil and religious, established in this kingdom, and endeavouring to villify and bring into contempt the wise and "wholesome provisions made at the glorious revolution," that His Majesty's faithful Commons, at the same time that they cannot help expressing their strongest disapprobation of all such proceedings, humbly conceive that His Majesty's Government is already vested with sufficient powers to punish any open violation of the laws; and that if any writings, which His Majesty's Ministers consider as proper objects of prosecution, have, for any length of time, been published and circulated, without notice, the said Ministers have been guilty of criminal neglect, in not sooner instituting prosecutions, for the purpose of bringing to punishment the authors of such publications.

" Farther to represent to His Majesty, that if upon this ground alone His Majesty had been advised to issue his Royal proclamation, His Majesty's faithful Commons, with the firmest confidence in His Majesty's gracious and benevolent intentions, feel themselves in duty bound humbly to express their regret, that His Majesty should have been induced to take a measure, which, under such circumstances, they cannot but regard as unnecessary, and which may produce the effect of exciting groundless alarms and suspicions in the minds of His Majesty's faithful and loving people.

" To assure His Majesty, that his faithful Commons are always ready zealously to concur with His Majesty in such measures as may be found most effectual for the suppression of " all " riots, tumults, or other disorders, on whatever pretexts they " may be grounded," as well as to use all legal means for the prevention of similar disorders in future.

" To express to His Majesty the deep regret that His Majesty's faithful Commons felt at the tumults and disorders which took place at Birmingham in the course of the last summer, to the disgrace of all good government, the utter subversion of law, and the destruction of the security and property of His Majesty's most faithful subjects. Humbly to suggest to His Majesty, as the surest means of averting the calamities inseparable from such disorders in future, and of discouraging and suppressing the lawless violence which gave occasion to them, the expediency of proceeding, with all the severity of the law, against such persons as may have been instrumental in aiding and abetting the said riots, who have not already been punished; and particularly to express their earnest wish, that speedy measures may be taken for the prosecution and punishment of such Magistrates, as, upon the aforesaid melancholy occasion, may appear to have been guilty of gross and criminal neglect in the discharge of their duty.

" These sentiments, dictated by an unfeigned love for His Majesty's Royal person and illustrious House, an anxious regard for the peace and happiness of the country, and a steady and zealous attachment to the true principles of our happy constitution of Government in Church and State, His Majesty's faithful Commons have thought it their duty to lay at the foot of the Throne, humbly hoping that His Majesty will be pleased

to take them into his most gracious consideration, as the sentiments of men who have no interest but to preserve that freedom which is the birthright of all Englishmen, and who look to no means of doing so, but in the maintenance of good order, and a steady adherence and dutiful submission to the laws."

Mr. MARTIN said, he was the last individual in that House who would wish to obtrude his sentiments upon the House; but as many things had been imputed to him personally, as well as to the society of which he was a Member, at a moment when it was so highly necessary that the people of this country should not be deceived, he thought it his duty to explain what his sentiments on Government really were; and more particularly when such pains had been taken to misrepresent him so grossly. The general calumny against the Association on account of their character, was of much too contemptible a nature to merit notice; but it was necessary to come forward when principles were imputed to them, with respect to which, if not refuted, some of the public might be under a delusion. He was educated in a manner that gave him a strong prejudice in favour of the Family on the throne. He wished on this occasion to throw aside all delicacy, and confess the whole of what he felt on the subject of Government both civil and religious. As to his religion he was an Unitarian, and felt no shame in confessing that there appeared to him nothing ridiculous in worshipping one God instead of three. He, however, regarded all persons alike with respect to their opinions. He knew of no one class of men that were either better or worse than any other; there were some good and some bad in all classes, from the King to the beggar. As to his opinion upon State, he was attached to the form of King, Lords and Commons. Such a Sovereign as we had the good fortune to be governed by—such a nobility and Commons as should fairly and really be the representation of the aristocracy and the Commons of Great Britain. In short, he wished the constitution of England to be in fact what it was in theory. For the better explanation of his political creed and political views, he should beg leave to read a declaration inserted in the Manchester paper of the 15th of May, 1792, by a society entered into at that place, whose object was to obtain an equal representation* of the people—an object much to be desired, and without which

the Government of this country would continue to be deplorably defective; and he believed there were but very few men in England who would ſay that our repreſentation was perfect. It was true enough that of late the Miniſter was pleaſed to ſay that there exiſted no actual grievance in this country. He believed the people could not be eaſily prevailed on to believe this; and when abuſes were denied by thoſe who profited by them, and partook of the loaves and fiſhes, the evidence was neither ſafe nor ſatisfactory. He believed there was hardly a man, even in that Houſe, who would ſeriouſly ſay there was no cauſe for complaint. He wiſhed to be conſidered as a Member of the Society of the Friends of the People, which he believed to be an honourable one; but although he was a Member of that ſociety, yet he wiſhed to be conſidered as anſwerable only for his own opinion and not for the opinion of the majority of that ſociety in all caſes. He had frequently ſat on Committees of election, and the ſcenes of bribery and corruption, and other infamous practices in that caſe only, were enough to call for a parliamentary reform. He wiſhed to make one obſervation upon the mode of ſpeaking in that Houſe, and he confeſſed freely, he though both ſides often to blame in that reſpect. Temperate language ſhould always be uſed. The reverſe of this could never be of any ſervice any where. Suppoſe a man to be a fool—fools could not be made wiſe by being called blockheads—nor would knaves ever be made honeſt by being called ſcoundrels. We ſhould reaſon, but not revile.

Sir EDWARD KNATCHBULL ſupported the proclamation, and the addreſs moved by the learned gentleman; in doing which he believed he ſpoke the ſentiments of the country, and was ſure they were the ſentiments of his conſtituents.

Mr. GREGOR approved highly of the addreſs, and conſidered the proclamation as a meaſure abſolutely neceſſary.—Holding that opinion, he thought thanks were due to His Majeſty's Miniſters for bringing it forward; and he was determined that he, as a Magiſtrate, and as a man in the county for which he had the honour to ſit, would exert himſelf to the utmoſt to obey and enforce the inſtructions it contained.

Mr. CURWEN said, he was as much attached to the constitution as any man could be, and would think it his indispensable duty at all times to oppose every measure that was inimical to it; but his duty led him likewise to be attentive to the proceedings of Ministers, and when he saw them to be contrary to what his conscience told him was the real interest of the country, to oppose them. Those who possessed great fortunes, of respectable families, and many such were amongst the line of his friends, he thought were entitled to some degree of weight, and certainly if there were any whose especial care it ought to be to study, and exert themselves to promote the safety and prosperity of the country, it was theirs. He had the honour to be a Member of that Association which had occasioned so much conversation of late, and he defied any one to arraign the motives, the integrity, or the characters of the gentlemen who composed it; they acted from a principle of rectitude, and one that could not well be disputed, viz. that there was, if not an immediate, an absolute necessity for a reform in the representation of the people, and their endeavours to bring it about had hitherto been conducted in the most moderate and wise manner. He expected to have had his vote challenged upon this question, and to have been called upon by some irresistible argument to approve of the proclamation and address; upon that head, however, he was perfectly at ease, for no one point had been stated that led him to change his opinion on the subject. He considered himself, and those who thought as he did, to possess as much true loyalty and love for their country as any set of men, and therefore they were not, and would not be, compelled to support the doctrines of those who were apostates from loyalty, and every principle that they had pledged themselves to, if their system could be judged by the measures they brought forward. With regard to the word reform, without entering farther into his own sentiments upon it, he observed, the bare mentioning of the word gave offence to the delicate ears of some gentlemen, and some too, who, on former occasions, had stood forward as the most strenuous supporters of reform in Parliament. All their arguments had only this tendency, that they declared their wish was to perpetuate a constitution which, by their actions and measures, they seemed determined to destroy. On the subject of

reform he must add, that a moderate and well-timed reform was all that the people wanted, and this they were entitled to. Those who were friends to the people did not argue for any visionary or extravagant system, far less would they countenance any attempt to subvert the constitution. It was not from Paine's writings that their judgement was formed; on the contrary, they had taken every possible means to shew their disapprobation of such publications. But need they go farther than our own statute book to shew the necessity of reform; were there not acts to be found, some of which had been lately in debate fully and ably discussed, that disgraced the country? And what was stronger, if they only referred to the journals of the House, and saw it there asserted that seats in it were bought and sold, and this assertion never contradicted, was there not sufficient cause for reform! All this he could maintain, but begged the House to believe him, that he never would associate with any set of men whose motives were a subversion of the constitution. He then recurred to the debate on the repeal of penal statutes, and animadverted on the conduct of the Minister, whose word he thought had long since been pledged for parliamentary reform. As to the Association which it was thought had given rise to the proclamation, he begged to say a few words. He wished, if there was any thing connected with that Association, or the characters of those who composed it, that the objections might be named; and surely, if they were criminal, there was law in the country to punish them. He took the proclamation in another light, that though it did no harm here, where men's minds were more enlightened, it might have a very different effect in the country; and he reprobated, in strong terms, the recommendations given to Magistrates and Justices to become spies and informers, and their having it in their power, from caprice, or any other base motive, to oppress and subject to punishment innocent men. He remembered another proclamation, issued at the dark hour of midnight from St. James's, against blasphemy, profaneness, vice, and immorality, which was circulated and read in all the churches in the kingdom. The consequence was, that in many distant parts poor people were severely punished under the sanction of that proclamation for trivial offences, in comparison with those which were constantly practised in the neighbourhood of St.

James's, and in every part of the metropolis, with impunity.—The country had, upon all occaſions, ſhewn its loyalty to the Sovereign upon the throne, and their ſincere attachment to that conſtitution which placed the illuſtrious Houſe of Brunſwick there; doubts, therefore, ought not to be entertained of their ſincerity, nor were ſuch meaſures as the proclamation the moſt proper method to preſerve that attachment and unanimity amongſt them; they want no ſuch warnings to obey laws which they reverence and admire; and if Miniſters would only give them ſecurity againſt idle and expenſive armaments and unjuſt interferences, ſuch as they had lately been accuſtomed to, peace and tranquillity being their principal object, certain of that, they would fear no injury, but happily and gratefully teſtify on all occaſions the bleſſings they enjoy under the excellent conſtitution of England. He concluded by remarking upon the churliſhneſs of an honourable gentleman's arguments (Mr. Brandling), who was once a friend to reform, and appealed to the Houſe, as he would do to the country, whether a ſtronger inſtance could be given of a neceſſity for reform, than the buſineſs of the Ruſſian war, when that Houſe had voted by great majorities what was directly oppoſite to the ſenſe of the people?

Lord NORTH ſaid, that diſagreeable as it was for him at any time to differ from perſons with whom he was conſtantly not only in the habit of thinking and acting with, but for whom collectively and individually he had the higheſt regard and friendſhip, yet his uneaſineſs was much removed by the moderation and temperate manner in which the honourable gentleman (Mr. Grey) had, with all his uſual eloquence and ability, brought forward his amendment, becauſe, from that circumſtance, all fear of heat or intemperance in debate was done away. He then ſtated his reaſons for approving of the proclamation and the addreſs, becauſe he thought there had been a line of conduct followed in the country, for ſome time back, which abſolutely required the immediate attention and interference of Government. He lamented, that any diſcuſſion of the riotous proceedings at Birmingham had been brought on that night; and he did not think that either a popular or conſtitutional mode of oppoſing the addreſs. As to the proclamation, if no cauſe for it had exiſted, it certainly

would be improper; but when men not only associated, but avowed publicly principles and opinions, subversive of all good Government, he thought it was time for the Legislature to step in and prevent the disseminating more extensively doctrines so pernicious, that if not checked in time, might, and would annihilate the constitution. After what he had said, he believed it was needless to add, that he fully and completely freed his honourable friends, and their Association, from every motive and principle but what was honourable to themselves, and might be useful to the country; they knew him too well to expect any unkindness or harsh construction from him.

Mr. BURDON spoke in favour of the address.

Mr. BAKER said, he agreed both to the proclamation and address; they might do good, and he apprehended no harm from them, though he did not see the necessity for them. He recurred to what had been stated as the Minister's opinions in favour of a reform in Parliament some years ago, and could not easily reconcile the difference in opinion now. He paid many compliments to his honourable friend (Mr. Grey) who belonged to the same Association which he did, and the purposes and the object of which had his concurrence, though his sentiments might not, perhaps, carry him so great a length as other Members of it. With regard to the publications so frequently alluded to, nobody held them in greater detestation than he did, at the same time he thought contempt was what they merited most; but as far as they were punishable, why not punish them? Were our laws nugatory or defective? Were the duties of our official situations neglected? Or was there no energy in our Government? Certainly either of those must be the case before it could be necessary to come forward with a proclamation. It was a step unusual and new. He owned there might be occasions when it would have been proper, but they had very seldom occurred, and it was worth while to consider what injuries might be done to individuals under the sanction of a proclamation, which gives such instructions to Magistrates. He wished all mention of the unfortunate riots at Birmingham to be left out of the present discussion; and then concluded by stating his opinion to be firm and steady for a temperate reform, and he knew the public opinion was in favour of it. Doubts had been stated by some as to the time; he had

none; but to those who had, he would say, that if this was not the time, it may soon come when by an union of interests it will be carried into effect, without which it cannot be done, and when that happens all discontents and jealousies will be removed, and all tumults quashed.

Mr. MARTIN explained.

The Marquis of TITCHFIELD said, he did not mean to detain the House but a few minutes to give his reason for approving of the proclamation. The maintenance of tranquillity and good order in the country was certainly one of the chief blessing of the British constitution, and secured to us all the happiness we derive under it. To suppress, therefore, every attempt to disturb that tranquillity or subvert that good order was truly laudable, and, considering that to be the object of the proclamation, he would give his hearty assent to the address.

Mr. COURTENAY felt himself anxious to deliver his sentiments on the dangers that existed, and was extremely happy that he was not implicated in the guilt adverted to in the proclamation. He lamented, however, that while he was exculpated, His Majesty's Ministers had been censured. Any impartial man who was at the trouble of reading the proclamation, must be convinced that this was the case, and of course a matter worthy of great applause in the Sovereign. He said, that it was obvious the proclamation alluded to Mr. Paine, who had more than a year published his sentiments without the least notice from Administration. In consequence of this supineness, the author of the Rights of Man disseminated his nostrums; which it seemed were swallowed by the Public, and not digested by His Majesty's Ministers.

The proclamation must be pronounced to have one good effect, as it would raise in support of the constitution an army of spies, that would at all times be armed in its defence. It was a great consolation to say, that no man dare mention a rotten borough, who was not liable to be arrested by the Justices, and transmitted to His Majesty's Ministers; but how these nefarious and desperate wretches were to be disposed of after, was a question that rested entirely with Administration. He said, that on a former occasion he had the honour of supporting Mr. Pitt on the question of a parliamentary reform. He was

4

convinced of the right honourable gentleman's gratitude, and he was convinced that in return for ſuch kindneſs he would ſupport him this night, in voting for the amendment. This was peculiarly a circumſtance of much weight, as he was aware that the accommodating diſpoſition of Mr. Dundas, whoſe attention to the Miniſter was invariable, would induce him to be of the party. For Mr. Dundas reſembled an Officer who paraded the ſtreets of Edinburgh at night with a large cloak, vociferating at the corner of every alley—" Wha wants " me."

He ſaid, that he wiſhed the proclamation had appeared during the Birmingham riots. The King was the head of the Church, and a King who enjoyed as much piety and as much patronage as the Pope. He thought that it would not have diſgraced the morality of the Sovereign to have preached at that time morality to his flock, and to have exhorted to

" Love one another as themſelves!"

Doctor Madan, he ſaid, certainly preached the reverſe of of this doctrine; but it would not be moreover diſgraceful for His Majeſty to diſſent from the Doctor, who he ſuppoſed was now a Biſhop. [A Cry of No, No.] Well, continued Mr. Courtenay, if he is not a Biſhop, it is certain, from his principles, that he has been long ſince qualified for a Biſhop, and deſerves a Mitre.

If the Diſſenters had been a Sycophantic tribe, he had no doubt but Miniſters would have expatiated moſt pathetically on the recent conflagrations at Birmingham—they would have ſaid, that the blaze had conſumed the ſnow on Caucauſus; and an Ambaſſador would have written word that the flames had burned the noſe of the Emperor of China! Here he intreated to know, what was the cauſe of theſe perſecutions; merely, he obſerved, metaphyſical points, of which the Cannaille were totally ignorant, and contended that the fomenters of thoſe riots were Jacobites, and acted upon Jacobite principles; yet the ſyſtem of Adminiſtration had been to reward thoſe Jacobites, while the friends to the Houſe of Brunſwick, and ſupporters of the Throne, were ſtigmatized. He mentioned Dr. Prieſtley as a Philoſopher, and a man to whom this country and the world owed much, in terms of the higheſt reſpect and veneration; his name, which had been improperly treated in that

House, merited much reverence from the people of England. From this he came to notice those penal statutes lately discussed, which, while unrepealed, remained disgraceful to the nation.—He stated the case of the woman in the county of Nottingham, whom the clergy had imprisoned for irregular marriages; as if by inforcing those statutes, they meant to transubstantiate connubiality into fornication; even this, and many strong arguments, delivered with the greatest eloquence and force, could not persuade the House to repeal them on a former night; well did he know what a number of them would start back the moment he talked of a reform in Parliament; the moment you pretend to touch a rotten borough, you naturally alarm some of those who, perhaps, can send into that House five or six Members, with labels in their mouths, just to pronounce aye and no as they were required: As to discussions on constitutional improvements, he thought them highly proper, and was sure that the more their elective rights were made known to the people, the better use they would make of them, as their only safeguard and greatest check against the influence of the Lords. In the political dispute between Steele and Addison, it had been made a matter of complaint, that 28 Peers had been made in the reign of George I., which it was argued would destroy the balance of power in the other branches of the constitution: What then must be the consequence of increasing their numbers, as the right honourable gentleman now at the head of Administration had done, who had created, he believed, three times as many? Objections had been made by the right honourable gentleman, and others, that this was not the time for reform; but let this be compared with the time when he brought his proposition for reform forward, and it certainly would appear a much more sovourable time now than he took; at the time that he associated for reform, we were at war, and in danger from every Power round us; now we have no danger of any kind to apprehend, and are at perfect peace: in short, he considered this proclamation to be fraught with mischief, as far as it tended to spread alarms amongst the people, where none was necessary, and create doubts that were groundless and unfounded; in this view of it, he declared, that instead of being for the special causes it set forth, it proceeded from sinister purposes. The right honourable gentleman thought

it neceſſary to excite riots in order to preſerve the peace. He might as well take for his own uſe cantharides to preſerve his chaſtity. He was one of the Friends of the People, and at their next meeting he would not be ſurpriſed if the two right honourable gentlemen oppoſite were to offer themſelves as Members; ſure he was, that they had done few things lately that were ſo much to their credit. He would aſſure them, they would be well received, and the fatted calf would be killed upon the occaſion. He concluded by ſaying, that having ſpoken in the conciliating manner in which he had done, he hoped it would have ſome weight, and induce the Houſe to agree to the amendment of his honourable friend.

Mr. ANSTRUTHER contended for the addreſs, and was againſt the amendment. He gave it as his opinion, that when Mr. Paine's firſt pamphlet appeared, it was not then the proper time to proſecute. When he ſaw that pamphlet, he had not thought there were people weak and wicked enough to propagate the principles it contained; but there were people who had been bad and bold enough to declare that they adopted the principles contained in that book, who did not ſeek reform merely, but were deſirous of ſubverting the conſtitution itſelf. Had there not been ſocieties formed, who avowed their levelling principles, and called for foreign aid, to enable them to obtain their end? When he ſaw ſuch ſocieties publicly avowing their principles, and printing their correſpondence, it was impoſſible not to feel alarm and apprehenſion. Every man muſt naturally do ſo, and he rejoiced that alarm and apprehenſion went abroad ſo generally as they had done. If they thought the conſtitution and good government of the country, under which their anceſtors and they themſelves had felt the moſt uninterrupted happineſs, in danger, was not every thing to be apprehended? And theſe were the reaſons why he thought Miniſters had done themſelves honour by the proclamation. It was by that meaſure only that a ſtop could be expected to be put to the dangers that threatened us. But ſome gentlemen thought that the proclamation being recognized by that Houſe, would take away the reſponſibility from Miniſters. So far from taking away any reſponſibility from Miniſters, it loaded them with a double degree of reſponſibility, inaſmuch as it would render them doubly culpable, if they permitted that dan-

ger to get to any degree of height, after it had been recognized by that House. With regard to the reform of Parliament, he declared he did not deem the present the fit time to consider the propriety or impropriety of such a measure. He did not think a reform could answer any good end, or was at all necessary. The proclamation did not appear to him to point to the Association. From the description of people to whom it did point, he declared, he expected a considerable degree of danger; whereas, from the gentlemen of the Association, he expected every good: but when he saw the name of the Association used by the Manchester Society, at the very time that society acted on principles dangerous to the constitution, he was seriously alarmed. With regard to the Association, it was not, God knew, that he expected mischief from the gentlemen concerned in it, but it was because he was sure there was in the country a set of men who would impose on them; and he saw in almost every newspaper, writings of a mischievous tendency. For these reasons, he would state his determination to support and maintain the constitution as it was, at the foot of the Throne, and therefore he was extremely happy that the address was worded as it was.

Mr. DRAKE said, he had been disgusted with the buffoonery he had heard from one honourable gentleman, who had held the most unparliamentary language he ever heard; but his wounded feelings were quieted and cured, by the admirable antidotes he had just heard, in the speech of the honourable and learned gentleman, to every word of which he begged leave to subscribe; and thanks! immortal thanks! to the honourable and learned Member, for the honesty and manliness of his declarations. He gloried in the sentiments which that honourable and learned Member had expressed, and should be proud to have the honour of uniting with a man so characterised, and to join him in battle array, to overthrow the enemies of our glorious constitution. He declared, he would fight for that wonderful fabric to the last drop of his blood. He rejoiced that there were two such immortal men in the kingdom as a Cavendish and a Portland; men noble, but honourable in private life, and patriotic in public! If safety, in times of danger, could any where be expected, it was from such men. He never would join with those who endeavoured to excite disaffec-

tion to Government, without a cause or provocation. Mr. Drake concluded with declaring, that he had rather die a loyalist than live a republican.

Earl WYCOMBE said, he rose to give his reasons for the vote he meant to give against the address moved by the learned gentleman, and for the amendment of his honourable friend. He disapproved of the address, because it was calculated to give importance to those very wicked and libellous publications which it was intended to punish. He was an avowed friend to the constitution, and was happy in having an opportunity to state how sensible he was of the inestimable blessings and happiness we enjoyed under it; but he detested the hypocrisy that seemed apparent in Ministers in bringing forward a proclamation in this unusual manner for sinister purposes, under the mask of attachment to the constitution, which was evidently the admiration of all who lived under it. He was likewise a firm friend to moderate reform, because he thought it absolutely necessary, and was none of those who thought the constitution could only be perpetuated, by perpetuating its deformities, in which light he certainly considered the rotten part of the representation of the people. That this was not a period for such a wise and moderate reform, he could not agree to, nor had he heard one solid objection offered on that point. He wished to preserve tranquillity and good order in the country as much as the noble Lord (Titchfield) behind him, but did not like the measure proposed for that purpose; the more, because it originated with men who were against all reform.

Lord JOHN RUSSELL said, he had the honour of being a member of the Association so often alluded to, and most perfectly and cordially agreed with, and approved of, every thing they had done or written. He disapproved of the proclamation, for this strong and substantial reason, that it tended to create in the minds of the people idle doubts and jealousies, as well as groundless alarms; and by deceiving them, might produce many bad consequences, and no one good; for those reasons, he would support the amendment of his honourable friend.

Mr. ADAM said, that on all the numerous occasions on which he had offered his sentiments to the House, he had never found himself in a situation of greater anxiety, nor one in

which he felt it ſo incumbent upon him to deliver a ſolemn opinion. He ſaid, he had conſidered the ſubject with the utmoſt attention in his power; he had weighed every circumſtance with the moſt deliberate care; and the reſult was, that he differed from ſome of his friends in the concluſion he drew, from others, in the reaſons which led to that concluſion. When he differed with perſons with whom he was accuſtomed to agree, for whoſe integrity, underſtanding, and abilities he had the higheſt reſpect, it was not to be wondered that he ſhould riſe with anxiety. That anxiety was, however, ſomewhat diminiſhed, by the firm perſuaſion, that they would hear him with favour, and judge him with candour.

He ſaid, the opinion he had formed reſpecting the proclamation and addreſs, did not reſult from its having any connection with the ſubject of parliamentary reform. But although he ſhould not ſtate the queſtion of a reform in the repreſentation of the people as a reaſon for the concluſion which he ſhould draw, yet he could not help ſaying, that his honourable friend who had moved the amendment (Mr. Grey) had, in the view he took of the ſubject, introduced it with great propriety. His honourable friend had, by a moſt brilliant diſplay of eloquence, and by powerful argument, added, if poſſible, to the reputation which he ſo juſtly enjoyed. He had at once expreſſed the moſt affectionate regard for thoſe friends with whom he differed, and maintained, with a manly elevation of ſentiment, the dignity of his own character. But although the ſubject of parliamentary reform made no ingredient in the reaſoning which led to the concluſions which Mr. Adam ſaid he had come to on the ſubject before the Houſe, he thought it neceſſary to expreſs his opinion upon it very decidedly, in caſe it ſhould be ſuppoſed that he had ſwerved from an opinion, which he had repeatedly given, when the ſubject had been under diſcuſſion, by giving his vote againſt that meaſure; and which, when it ſhould come forward again for diſcuſſion, he ſhould probably aſk the indulgence of the Houſe to deliver his reaſons for that opinion at full length. On the preſent occaſion, he ſhould content himſelf with ſaying, that his opinion had been, and ſtill remained, the ſame with that of a noble perſon, (the Earl of Guilford) with whom, Mr. Adam ſaid, it had long been, and ſtill was, his pride and honour to live in the ſtricteſt friendſhip. That he

was influenced to form this opinion, from a full consideration of the constitution of Parliament on the one hand, and the effects of that constitution, on the other. That if the whole aggregate of what constituted the freedom of Parliament, on the one hand, and the influence over Parliament, on the other, were taken into consideration, Mr. Adam said, he would pledge himself to prove, that there had been a gradual and progressive improvement in favour of the freedom of Parliament, from the revolution to the present time. That he could not, therefore, but agree with a philosophical writer of the first eminence, who was the more eminent because his philosophy was applied to the practical purposes of life. He meant Mr. Paley, who said, that the objection to the representation of the people, was an objection which appeared strongest at first sight; and the more it was examined, the more it diminished in strength and importance. He said, that under the constitution, as it now stood, we had long enjoyed the greatest benefits which human nature was capable of enjoying; the security of property, freedom of writing and speaking, liberty of person, and a great share of political as well as civil freedom, was extended over a larger portion of mankind, than human experience could furnish an instance of, in any former age or in any other country. That, under these blessings, there had been a rapid and perpetual increase of wealth and improvement in every thing that could render civilized life happy. That such blessings were not to be rashly endangered for an experiment, especially when it was recollected upon what it was that this experiment was to operate. It was not upon body or matter, where the experiment could be the subject of precise mathematical calculation, but upon the mind of man, which fluctuates and varies, and where the precise effect upon a change can neither be foreseen nor computed. He said, he would rather have the present constitution, with all its imperfections on its head, than hazard a change; because, while the practical good was actually felt, the ideal defect was a mere speculation.

Having made it sufficiently clear that his opinion against a reform in the representation continued unaltered, he came next to the question immediately before the House—the approbation of the address, moved by the Master of the Rolls, or the amendment of his honourable friend (Mr. Grey). He was now to

expreſs a difference of ſentiment from other friends of his, for whom he had the moſt ſincere affection, and to whom he was bound by every tie of friendſhip; he alluded particularly to Lord North, the Marquis of Titchfield, and Mr. Anſtruther, who had ſpoken, and to others whoſe opinions he knew to be contrary to his. But, he ſaid, he differed without dread, becauſe he knew that their minds were ſo formed, as to render an accidental difference no ground even of temporary diſlike. They knew the nature of the human mind, and the various modes by which minds differently conſtituted were led to different concluſions, and could make every allowance for that difference of opinion, when dictated by an honeſt and upright motive: they had no overbearing conceit, no dictatorial arrogance, which made them abandon their friends, becauſe they did not command their opinions. He ſaid, he had gravely conſidered the ſubject—had looked into the ſituation of the country, and into all concomitant circumſtrnces, with all the attention in his power, and could find nothing to create alarm. He ſtated the ſituation of the country as to proſperity and happineſs, and mentioned the manner in which they had been ſtated by Mr. Pitt, on opening his budget. He never could forget the gracious ſpeech from the Throne, at the beginning of the ſeſſion, where it had been emphatically ſaid, that liberty was united with order. He then aſked, if there was a poſſibility of the people of England being ſo dead to all ſenſe of thoſe bleſſings which were warmly and juſtly painted, as to wiſh a change—whatever ſome malcontents might wiſh. He aſked, what event had happened, what ſtrange, unheard-of calamity, or unforeſeen accident, had occurred, to alter that ſyſtem of proſperity and univerſal ſatisfaction, which had been ſo often and ſo recently expreſſed in ſuch glowing colours? and ſaid, it ſeemed to him a libel at once upon the good ſenſe and integrity of the Engliſh nation, to ſuppoſe them anxious for innovation and confuſion, at a time when their happineſs was univerſally allowed to be ſo complete and perfect. Having put this in different points of view, he ſaid there were two cauſes ſtated for the danger, and as juſtifying the proclamation and addreſs.—The one was the events in France—the other, the doctrines of certain publications. As to the firſt, if the doctrines ariſing from French affairs produced alarm, that alarm was more than

destroyed by the antidote contained in the situation and condition of France. With regard to the writings, he said, he could not conceive that they could have any effect upon a people so attached, and judiciously attached, to a constitution, obtained by the glorious efforts, and cemented by the best blood, of our ancestors. He had well considered the subject of constitutional publication, and was by no means ready to say (but the contrary) that books of science upon Government, though recommending a doctrine or system different from the form of our constitution, were fit objects of persecution; if he did, he must condemn Harrington for his Oceana, Sir Thomas More for his Eutopia, and Hume for his idea of a perfect Commonwealth. But the publication of Mr. Paine was very different; it reviled what was most sacred in the constitution, destroyed every principle of subordination, and established nothing in their room. He asked, when this had been published eighteen months ago, had any notice been taken of it? Was it not in the power of the executive Government to have prosecuted it? And now that the powers of juries were soon to be confirmed, to the eternal honour of his right honourable friend (Mr. Fox) was it possible, that combining the time and mode of the publication with the matter, was it likely that twelve men, upon their oaths, judging of intention, would not find such a writer guilty? Why was it not done? Was not the person a peculiar object for prosecution—a foreigner, who must fly the moment he was prosecuted, and would never submit to an imprisonment? But now, when the doctrines were obsolete and forgotten, they were revived; and that at a time when the light of this House had been spread throughout the country, dispelling the bad effects of that publication, all descriptions of persons having agreed in reprobating his doctrines. Instead of considering the proclamation and address as a wise measure to repress, he could not help viewing it as an advertisement to revive, curiosity, about a book which had been either reprobated or forgotten.

Under these impressions, he had no difficulty in adopting the amendment of his honourable friend, in preference to the address moved by the Master of the Rolls; not that he considered the address as so objectionable as the proclamation; but the objection to the address was, that it approved of the procla-

mation, which he could not approve, becaufe it created alarm, unneceffarily; becaufe there was no danger to juftify the meafure; and if there was, it was not the wife, regular, conftitutional, and effectual mode of repreffing it. The conftitution having vefted the executive Government of the country with powers amply fufficient regularly to check fuch evils, and the executive Government were highly reprehenfible, where the publications were the fubject of profecution, fo long to have flept over them. Mr. Adam faid, he had heard that a profecution was commenced againft Paine's book, but it was againft the printer only. He afked, how it came that the author was paffed by, if the printer was liable to profecution?

As to the amendment of his honourable friend (Mr. Grey), he fupported it; becaufe it was highly refpectful to the Throne, and affectionate to His Majefty; and he confidered it as the moft pleafing and conftitutional part that Parliament could take, to approach the Monarch with affection and refpect. The amendment, he faid, contained not a word in favour of parliamentary reform; and therefore he could give it his unqualified approbation, which he could not have done had it touched on that fubject, in the language of approbation. He faid, the amendment touched upon three points, the creation of unneceffary alarm, the propriety of the proceeding by profecution, and the little effect to be expected from the proclamation; if, for argument-fake, it were admitted, that the proclamation were wife, how came the fame perfons, who now proclaimed our danger, to reject an addrefs to inquire into the mifconduct of thofe Magiftrates, by whofe remiffnefs, in the difcharge of their duty, the government of the country had been difgraced in the riots of the laft fummer?

He here ftated the propriety of fuch an inquiry; becaufe it was clear, from the affidavits, that there was a ground for inquiry, and that the law officers of the Crown knew that private individuals could not profecute. The time for them was, by the lapfe of two terms, loft. But the Crown could ftill profecute. By not inquiring, to lay the foundation of fuch profecution, what confidence could be given to their exertion in others? They were little likely to ferve the country by active exertion, who were thus negligent in that tranfaction. Having argued all thefe points with great force, fluency, and clear-

ness, he concluded with a general recapitulation, and said, that not only for the reasons he had mentioned, he should vote against the address, and for the amendment, but because the Ministers of the Crown were vested with complete and ample powers, without the aid of a proclamation and address to assist them. That it was their duty to exert those powers, when the public necessity called for it, in the ordinary course of office, and not to alarm the minds of men about the state of public tranquillity, by supposing the existence of a spirit of commotion, in direct contradiction to every apparent circumstance in the state of the country. He said, with the Ministers the duty is, and on them should rest the responsibility.

Mr. FRANCIS said, that he should think himself little worthy of a seat in that House, or of any honourable station in society, or of the place, which he hoped he held in the estimation of his friends, if, on an occasion so important, and so particularly circumstanced as he was, he were not to deliver his opinion without reserve. He should give it briefly, in plain, distinct, and manly terms. He meant to confine himself strictly to the contents of the paper on the table, and to avoid, as much as possible, travelling out of the record. Other gentlemen, he hoped, would follow the same rule; that they had no right to state any thing in argument, which they had not ventured to assert in the proclamation; much less were they at liberty, in any instance, to aver against their own record. The authors of this measure must not expect to shelter themselves under His Majesty's name. I am under your correction, Sir, when I affirm that this proclamation, like every other act of the Crown, the moment it is submitted to the consideration of Parliament, is to be treated and examined as the act of the Minister, and nothing else. This I hold to be parliamentary doctrine; at least I am sure it is parliamentary language. In an instance apparently much more the personal act of the Sovereign, in the speeches from the Throne, we assert this distinction, and canvass the subject as if the King had nothing to do with it. The constitution tells me, the King can do no wrong. I go farther, and am ready to declare my belief that the proposition is actually and personally true. If nothing were in question but a compliment to the Throne, or a declaration of duty and respect to His Majesty, I should challenge any of these gentle-

men, who are most loaded with the favours of the Crown, who, in the midst of their eternal professions of immaculate purity and rigid self denial, have contrived to engross all the emoluments; all the Power, and all the profits of Government among themselves, their relations, and immediate connections; I should challenge and defy the most forward of these disinterested persons, to express a warmer zeal and affection than I should to His Majesty's person and Government. This is not the question. The measure, which we are called upon to approve and support, is a ministerial act. The address proposed is an address of thanks and approbation to the Minister, and an engagement to support his particular Administration. Well, Sir, since he comes to this House for approbation, for thanks and for support, let us examine the merits of his conduct, and see whether he deserves it. The proclamation tells us that *divers wicked and seditious writings have been printed, published, and industriously dispersed, tending to excite tumult and disorder*, &c. but it does not tell us, how long these wicked writings have been so published and dispersed. If it had, we should then have known, a little better than the Minister probably wishes we should do, what sort of gratitude is due to the care and vigilance of Government, for their *early* endeavours to prevent or put a stop to these dangerous practices; to practices, which, if you believe the proclamation, aim at nothing less than the ruin of the constitution, and the destruction of the peace, the happiness, and prosperity of the kingdom. I shall do that, which the proclamation has omitted. Many of the writings alluded to have been in public circulation these two years; some of them much longer, in the eye of Government, under the immediate inspection of the Law Officers of the Crown, and therefore, I have a right to say, with their tacit consent or acquiescence—They may call it, if they please, a base neglect of their duty. Such negligence, in such circumstances, convicts them of connivance, and, in my mind, makes them parties to the very crimes, which they now denounce for the first time, and against which they would now excite the indignation of Parliament. The particular publication most insisted on (I mean *Thomas Paine*'s book) has been published and circulated with uncommon industry above a twelvemonth. In all this time, His Majesty's vigilant Ministers have suffered the poison to

ſpread, and the miſchief to take root, without attention to their duty, without care of the public peace, or the ſmalleſt notice of theſe pernicious writings, which were conſtantly in their view, and brought before their eyes every day in the newſpapers. But it ſeems that theſe wicked and ſeditious publications have been *diſperſed and recommended* by divers other writings. How long has this been the caſe? We all know, for above two years at leaſt; and that this has been done not only by individuals, but by ſocieties and bodies of men incorporated for that expreſs purpoſe, with the entire acquieſcence, and, as far as ſilence gives conſent, with the conſent of Government. So much for the merit of theſe perſons, who come to us for an addreſs of approbation. But the whole proclamation is of a piece. The next thing they do is to aſſert, in the face of the nation, a groſs and ſcandalous falſehood; not in the form of an aſſertion certainly; but, in fair and honourable reaſoning, the direct reſult of the plaineſt and moſt obvious conſtruction.—The Magiſtrates are charged and commanded to make *diligent inquiry* in order to *diſcover* the authors and printers of theſe wicked and ſeditious writings. The aſſertion implied in the command, and which I affirm is a notorious falſehood, is, that theſe authors and printers are unknown; that they have taken care to conceal themſelves, and that they can only be diſcovered by *a diligent inquiry!* The propoſition, on the face of it, is an inſult to the Houſe. Can they point out a ſingle publication, among all the writings which they call wicked and ſeditious, that does not carry in its title page the name of the author, the printer, and the publiſher? Are not the reſolutions of the ſeveral ſocieties alluded to authenticated by the ſignature of the Chairmen of thoſe meetings reſpectively? Is Mr. Paine's book an anonymous publication? Have Sir Brooke Boothby, Doctor Prieſtley, Mr. Rous, or Mr. Macintoſh concealed their names from the Public? Who are to be the objects of this diligent inquiry? What writings do you mean? I declare I know of none, I never heard of any, of which the authors, far from ſhrinking from inquiry, do not come forward to face and provoke it. Since I have been acquainted with political diſcuſſions, I never knew a period, at which anonymous publications were leſs in uſe than at preſent, at which authors were ever ſo ready to put their names to their

works, and to make themſelves perſonally reſponſible for what they publiſhed. It is the literary character of the time we live in, and gives the lie direct to the ridiculous ſuppoſition that a *diligent inquiry* is neceſſary to detect any of the perſons, who can, by any poſſibility, be the objects of the proclamation.—The concluſion of this curious performance correſponds with all the reſt of it. In the outſet, if their premiſes be true, the King's Miniſters in effect acknowledge their guilt, and pronounce their own condemnation. They then proceed to affirm a groſs and palpable falſehood; and, in the end, the Office they aſſign to all the Magiſtrates of this kingdom, and the duty they exact from them is, to turn ſpies and informers againſt their neighbours, and to tranſmit all the *information* they can pick up to that reſpectable Miniſter, the Secretary of State.—Theſe are the principal items, of which this monſtrous compoſition is formed. What the general intention of it may be, I know not; but I am ſure, that, if it has any effect at all on the minds of the people, it muſt be to excite the very tumult and diſorder, which it pretends to ſuppreſs, and to raiſe jealouſies and diſcontents, where none exiſted before. The end that may be anſwered, and the pretences that may be furniſhed by that ſort of policy, require no explanation.

One word about that ſtrange thing, that novelty unheard of, called *reform*, and I have done. My honourable friend, I know, is not to be diſſuaded, much leſs is he to be deterred from making the attempt. The trial will be made, and then the country will ſee, who are, and who are not, apoſtates from their principles.

Mr. WINDHAM ſaid, the pain of differing with many of thoſe with whom he had the pleaſure of concurring in general, was alleviated by the conſideration that their difference was but on a ſingle point, of means, not ends, rather of ſpeculation than of practice. When this debate was at an end, on all other topics, to his own great happineſs, and the ultimate intereſt of the country, they ſhould act as cordially together as if no ſuch difference had ever exiſted. Agreeably to their ideas of the ſubjects before the Houſe, they were right in oppoſing the addreſs, while he was equally right in approving of it. It was ſaid that Miniſters had been too late in proſecuting the writings which were complained of as ſeditious. Of this he

was not clear; but sure he was that prosecutions would come with more effect after the declaration of the House, that they too thought them seditious. The happiness of the country alledged, as a sufficient security against all attempts to persuade the people that they were misgoverned and oppressed, was mat- of individual feeling and observation, on which different men would entertain different sentiments; and few there were who thought themselves as happy as they might be. Certain it was that discontents existed, and were increasing; and consequently on this security they could not rely. It was therefore necessary to prevent the dissemination of poisonous doctrines; to guard against those who, while they talked of appealing to reason, appealed only to the reason of the very lowest class of those whose reasoning was the offspring of their passions—seldom, indeed, of sober reflection. The danger would be more or less in proportion to the firmness maintained by the House. It was one of those which ceased to be formidable when boldly faced. They must work out the salvation of the country with fear and trembling indeed, but they must do it without shrinking. The proclamation was, in his opinion, unexceptionable. It contained nothing unusual; it had no relation, at least in form, to the Association of which his honourable friends formed a part, although without in the most distant degree imputing unworthy motives to them, he did think that the Association encreased the danger which the proclamation was meant to guard against. The demands for a reform in the representation were not of a nature to be satisfied by concession, as these gentlemen seemed to imagine. They who made the demand actually told them so. They would support perhaps the moderate reform, which was the ultimate object of the Association, and when that was obtained would they stop there? No; they would tell the Members of the Association, "So far you "have gone with us, we thank you for your assistance; the "rest we will do without you." The practice of the French constitution, it was said, was more powerful to deter, than the theory to invite to innovation. So it was, perhaps, for the last fortnight; but how did they know that it would continue so? Besides, to argue from the French constitution was arguing unfairly, and therefore weakly, for it was not to be supposed that, where such changes had been made, the country could

yet expect to be quiet. He concluded with declaring that he should support the address as seasonable, and that he thought the amendment unnecessary.

Major MAITLAND thanked the gentlemen who had spoken for not distrusting the motives of the society of which he had the honour to be a Member. But they had a better test—the test of what they had published, from which he defied any man to cull a single expression that would bear an interpretation unfavourable to their motives. But while their motives were spared, their judgement was distrusted, and they were told that they acted with persons whose future proceedings they would not have it in their power to stop. That the great increase of the national debt had been occasioned by the imperfect representation of the people was a doctrine maintained by the Chancellor of the Exchequer, at a time when there were many serious causes of discontent. He and others then associated, and petitions were presented for a reform. When the motion to that effect was rejected, and that too, in the hour of distress, what was the consequence? When persons of influence and character withdrew from the associations, the people were quiet, and the associations dissolved. They had therefore experience to shew, that those who demanded a reform, would be regulated by men of consequence and character, and that they would be satisfied with concession, since they had acquiesced even in disappointment. They who drew up the proclamation had given no definition of what they meant by the words seditious writings, nor at what they pointed. Feeling that they had apostatized from their former principles, as a man of honour he believed that it was their intention to blend the doctrine of reform with sedition, and to include both in one general odium. Submission to the laws was recommended. Had not this submission been practised? Confidence in Parliament was another branch of the sentence. In Parliament the people would always confide in proportion to the wisdom and integrity of its measures. To their want of confidence in Parliament the country owed much on a very recent occasion. When Parliament chose to confide in the Minister, the people refused to confide in Parliament, and put a stop to the intended Russian war, which the majority of Parliament thought fit to sanction. The tendency of the proclamation was to divide man

from man, and family from family. Perfecution had been always preceded by a cry that the Church was in danger, and when they were called upon to fay that the conftitution and the liberties of the country were in danger, they ought to beware of affording a handle for a political, perhaps as dangerous as a religious perfecution.

Mr. T. GRENVILLE faid, the fubject confined itfelf to two points, firft, whether there did appear to the Houfe danger and alarm; and fecond, if fo, whether the proclamation be a fit meafure to prevent the one, and quiet the other? He was fatisfied that there was ground for alarm and apprehenfion. He declared, it was impoffible for any gentleman to partake of that enthufiaftic admiration for the conftitution, which it was ufual to profefs, and which he averred, he deeply felt, without being alarmed. He reafoned on the conduct of the various focieties, who had circulated extracts from Mr. Paine's pamphlet, and afked, what had been their object, but to excite difcontents among the military of the country, to put an end to all difcipline and order, and to make them think all punifhment oppreffive. With regard to the queftion of his honourable friend, how could they agree to a proclamation, which tended to eftablifh a fyftem of fpies, an *Efpionnage de Police*, a fyftem fo abhorrent to Englifhmen? Upon reference to former proclamations, efpecially in the reigns of Queen Anne and George the firft, he had found the prefent proclamation did not contain doctrines more revolting than thofe contained in the proclamations of former times. They were fix, he faid, in the reign of Queen Anne. Could it be fuppofed to be a violation of the conftitution of this country, that becaufe a gentleman was a Secretary of State, he was to have eyes that could pervade every part of the kingdom, and that he could fee every where at once? To that queftion he could give no anfwer.— But this he could fay, That it was at all times the duty of the Magiftrates to do what the prefent proclamation directed; the identical fubftance of the laft paragraph was in all the proclamations in the periods to which he had alluded. Dr. Sacheverel when tried, one of the articles of his impeachment was, that he had preached his fermon in defiance of Her Majefty the Queen's proclamation, againft feditious writings.— He ended with declaring he fhould vote for the addrefs.

Mr. ROLLE ſaid, he approved of the proclamation, and alſo of the addreſs that had been originally moved. Mr. Paine's doctrines were ſo extravagant, that he had imagined they would not have been attended to by any man in his ſenſes; but when it was found that they had impoſed on large bodies of men, who had adopted his principles, it became a matter of ſerious alarm and apprehenſion. It was alſo to be remembered, that there were French agents at work in the kingdom, with a view to miſlead the weak minded, and ſtir up ſedition in the country. Mr. Rolle ſaid, there had been a native of France in the county which he had the honour to repreſent, who was buſily employed in provoking the people to make a commotion, and throw off all ſubordination and obedience to the exiſting Government. This man did not go into large towns, but went into the internal parts of the country, and ſaid to the people, "you ſee how happy we are in France, we pay no taxes; and "if you would follow our example, you would pay no taxes "likewiſe." As ſoon as the Magiſtrates heard of this man, ſearch was made after him; but the moment he heard of their purſuit of him, he fled to his own country. There had alſo been, as he had heard, a French Biſhop at Birmingham, employed in miſleading the manufacturers of that town. Theſe things, he thought, called for the attention of Government, and he was glad to find that they had iſſued the proclamation then the ſubject of debate. Mr. Rolle remarked, that the city of London had that day unanimouſly voted an addreſs to His Majeſty on the ſubject of the proclamation.

Mr. Secretary DUNDAS began with declaring that the manner in which the addreſs and the proclamation had been debated, and the very powerful arguments which they had heard from gentlemen on all ſides of the Houſe had afforded him the higheſt ſatisfaction, a ſatisfaction not a little increaſed from the recollection that it would prevent the neceſſity of his going ſo much at large into the ſubject as he otherwiſe ſhould have thought it his duty to do. He would therefore confine himſelf merely to ſuch topics as either had not been noticed, or to which it might be expected that ſomething ſhould be ſaid on the part of the executive Government. He would begin with obſerving upon two queſtions, that had been inſiſted on, as grounds of accuſation againſt His Majeſty's ſervants, of a quite

different nature; the one the want of attention manifested by them in not having noticed the publications of Mr. Paine; the other, the taking notice of those publications in the proclamation, and by that means giving them an importance which they did not possess. These charges were of a quite opposite nature; from both, however, he trusted he should be able to exculpate the executive Government, but especially from the first. It had been said in the course of the debate, that Mr. Paine's book had been published eighteen months, and he was ready to admit, that the fact was founded. He was one of those who thought that when the law of the land was offended against, the best way was to leave it to the law of the land to apply the proper remedy. But upon such publications as Mr. Paine's, gentlemen well knew, that there were differences of opinion what was the most wise and prudent way to act, whether to prosecute them seriously or not. For his part, he held it to a better measure, to let them in general die away in their own oblivion. The first pamphlet of Mr. Paine, was so wild, extravagant, and visionary, that it was rather matter of astonishment that there should exist a man capable of entertaining such opinions, and bold enough to publish them, than any thing else. Gentlemen would recollect, that it was from his last publication, that the principles had been drawn, which had been adopted by different bodies of men, and inculcated in a variety of shapes throughout the kingdom. That pamphlet, he observed, was published only in February last, and the extracts had chiefly been made and circulated in the months of March, April, and May. And he believed it was known that the printer and publisher was under a prosecution for it. An honourable gentleman, in the course of the debate, had said, he wished the author rather than the printer was made the object of the prosecution; but how, he asked, was he to find out the author? Though he saw in the title-page the words "Thomas Paine," he did not from thence conclude that he was the author, or know how many persons might conceal themselves under the shelter of the name of Thomas Paine. Perhaps some of the gentlemen on the other side might know who was the author, and if so, though he was not in the habits of acting with them, he would thank any gentleman if he would point him out to him, and in so doing he was persuaded they

would act a much more honourable part than that of turning spies or informers. In the mean time, however, he assured the House, that so soon as the principles of Mr. Paine's last book appeared to be adopted by the society at Manchester and by other societies, a prosecution was instituted against all those publications, and means were taken to apply to them such remedy as the laws of the land afforded. He had in his hand the resolutions of the Society at Sheffield, which he had received by the post of that day, and from reading one of the resolutions, the House would see to what an extent they carried Mr. Paine's principles. He read it accordingly, and said, that after such a resolution had been voted and given to the world, he hoped he was not to be told that there was no ground for alarm and apprehension, nor any sufficient cause for the proclamation, when great bodies of men, in large manufacturing towns, adopted and circulated doctrines so pernicious in their tendency, and so subversive of the constitution and government of the country. He, indeed, lamented the loss of unanimity on such a question, but he confessed that want of unanimity was, in a great degree, compensated by no one gentleman having stood up and countenanced the principles stated by Mr. Paine. He took notice of the several Associations and Societies, and observed, that one gentleman had said he belonged to all of them, and that he was proud of it, although he seldom frequented some which he had belonged to when he was a young man.—That honourable gentleman must, however, give him leave to tell him, that he was answerable for what those Societies did, as long as he suffered his name to remain on their books. He observed, that the honourable gentleman placed himself in rather a ridiculous predicament, by belonging to all the meetings. The New Association had no sooner been framed, than it entered into a paper war with the Constitutional Society; so that the honourable gentleman, as a member of the Constitutional Society, might write to himself as a member of the New Association, and in the latter capacity he might answer himself as a member of the Constitutional Meeting. With regard to there being any thing in the idea, that the prosecutions had been set on foot in consequence of the New Association, he did assure gentlemen that directions were given to the law officers of the Crown to prosecute the pamphlet, long before

the Aſſociation had been formed. Having ſaid this, he deſired to be allowed to ſpeak of the proclamation itſelf, and he confeſſed it was difficult to ſpeak to the various objections that had been made to it. But when he found that ſome gentlemen on the other ſide of the Houſe, of high characters, great abilities, and great conſideration in the country, had declared their approbation of the proclamation, and had given their opinions decidedly for the addreſs, he did think that His Majeſty's ſervants might have been freed from thoſe imputations. If the honourable gentleman who moved the amendment would have given himſelf the trouble to have aſked his friends, he would have been able to aſcertain whether there was any inſidious object in the intention of Government on the preſent occaſion. The objections taken by that honourable gentleman's friends were firſt made when the honourable gentleman had given notice of his intention to propoſe a motion for the reform of the repreſentation in Parliament, and could the honourable gentleman ſay, that his giving ſuch notice proceeded from any inſidious conduct on their part? He declared he felt, and almoſt any man muſt feel, that to be the happieſt and moſt fortunate hour of his life, ſince it proved, however they might ſquabble about who was to ſit at the helm of the ſhip, and guide the veſſel, yet there was a general concurrence in keeping the veſſel together, and bringing her ſafe into port. Since the proclamation had been iſſued, His Majeſty's Miniſters, and many reſpectable Members for counties, were of opinion, that they were called upon to take notice of writings tending to inflame the minds of the Public, and to incite them to deſtroy the firſt principles of the conſtitution; and he truſted he ſhould be able to juſtify not only the motive, but the very principle itſelf, of the meaſure. With regard to the aſſociation entered into avowedly for the purpoſe of obtaining a parliamentary reform, if gentlemen wiſhed to know his ſentiments reſpecting it, he had no heſitation to declare, that, in his opinion, it could do no good whatever, but it might do much miſchief. His right honourable friend had been accuſed of having been guilty of apoſtacy, and of having deſerted his principles; but it was eaſy to prove that he had not done ſo. As they all knew, that at the latter end of the American war, (which was, in the beginning, the favourite of the people, though, from its ill ſucceſs, by degrees

it became unpopular)' the idea of a clamour first began for a parliamentary reform, and it came from such a variety of quarters, that he was one of those, who thinking it was the general opinion of the people, was a good deal staggered upon the subject. His right honourable friend was then very young; he was engaged in no party, nor pledged to any opinions. He had been extremely sanguine on the subject, and had proposed a Committee to inquire into the state of the representation of the people in Parliament, a motion which he had then strenuously opposed, because, as it contained no specific proposition, he considered it as opening a shop for every sort of grievance. On that ground he took a warm part in opposition to it, and the question was lost, though by no great majority. The next session his right honourable friend had brought forward a specific proposition, and had taken pains to guard his motion from the objections that laid against his first proposition. That motion however was lost by a much greater majority. The people notwithstanding were calm and contented, and they had heard no more of parliamentary reform from that time to the present, excepting only from a right honourable gentleman from a neigbouring country, now no more, who had brought forward a proposition on the subject, which he had opened with great ingenuity and great ability, but like the former motions it was lost. At present the question had been revived in consequence of a person's happening at a tavern meeting, in a speech made up of different irrelative subjects, to introduce the words "parliamentary reform." His right honourable friend clearly saw, that this was not the time for a wise and prudent man to agitate the question of parliamentary reform, when he knew that the minds of the people were prepared to receive every proposition that could be suggested; such was the simple state of the fact, and he thought his right honourable friend acted wisely and well by his forbearance, and he rejoiced that the Public would have to decide between his right honourable friend, and those who wish to revive the discussion of the question of parliamentary reform. The Public would decide which acted like the best citizen or the most honest man, the gentlemen of the New Association, or his right honourable friend, who by the proclamation had set up a standard to which all moderate men might flock, and thus separate from the sons of sedition

and anarchy. Mr. Dundas said, he was glad to find that the gentlemen had declared that they would desist from their purpose, the moment they discovered that the sense of the people was against them; that this was the most prudent determination, since the worst thing that could happen to them and to the country, would be for them to persevere against the sense of the people. He concluded, with declaring his objections to the amendment, and his hope that the House would deem what he had submitted to their consideration as a satisfactory explanation of every point which he had been called upon to explain.

Mr. WHITBREAD said, it was with extreme reluctance that he rose upon the present occasion, but he assured the right honourable gentleman, that when he first saw the proclamation, that he did conceive that it was indirectly intended to be levelled at their association, nor had he yet heard any thing to make him alter that opinion. The right honourable gentleman, being one of His Majesty's Ministers, and possessing considerable abilities, had risen for the express purpose of vindicating his right honourable friend and himself; but he confessed that he was not at all better informed as to the reasons of issuing the proclamation that laid on their table, than he was, when the right honourable gentleman first rose. The right honourable gentleman had attempted to take off some of the impression of the argument urged by his honourable friend, who with great force and ability, had proved, that the proclamation was a measure adopted with an insidious intent to break off friendship and promote disunion; but what the right honourable gentleman had said, had failed of its purpose. With regard to the proclamation, it had been totally impossible for him to disjoin the object of it from the Association to which he had the honour to belong. He still thought it was issued for that particular reason and that had there been no Association, there would have been no proclamation. They however, as an Association, had done nothing illegal, nothing unconstitutional. As a body they had done that which individually his honourable friends and he had done ever since

he had a feat in that Houfe; they had endeavoured to preferve the conftitution by bringing about a moderate reform in refpect to parliamentary reprefentation. By gaining a parliamentary reform, they fhould put an end to the abufes which exifted, and take away the plank on which thofe, who might have feditious intentions, might otherwife make a ftand. He read an extract from the Duke of Richmond's letter to Mr. Sharman, and faid, that fuch doctrines were more fubverfive of the conftitution than any thing the new Affociation dreamt of. He took notice of what Mr. Rolle had faid, relative to a French Envoy, and declared it was a good compliment to his own alacrity, but it did not prove that the proclamation was neceffary. He referred to Mr. Chancellor Pitt's fpeech when he laft fupported a queftion on the fubject of reform, when that right honourable gentleman had ftated to the Houfe, that they all knew that there were various rotten boroughs; that feveral gentlemen reprefented themfelves; that there were others who reprefented noble Lords, and that even the Nabob of Arcot had Members in that Houfe. He concluded with declaring that he fhould vote for his honourable friend's amendment, and repeated that he wifhed only for a timely and a temperate reform.

Mr. POWYS faid, he certainly had a ftrong defire to ftate to the Houfe the grounds on which he fupported the addrefs as originally moved by the honourable and learned gentleman. He mentioned the numerous publications which had exifted, did ftill exift, and were daily publifhed, even though a profecution had been inftituted, and faid, he thought the country was called upon to declare its fentiments diftinctly and clearly, and to do no more than their oath of allegiance required them to do. A fpirit, he faid, had gone forth which was not only dangerous, but a lying fpirit, fince, while they all felt the utmoft happinefs under the conftitution as it was, it taught the people to imagine that they were unhappy and oppreffed. Let him afk the gentlemen of the Affociation, if they did not, in fome degree, countenance thofe principles? [A cry of No! No!]

Mr. Powys desired to explain himself. The Association stated, that their object was a parliamentary reform, which made one of the objects of those who are seditious, and wish for nothing less than to undermine and subvert the constitution. In that situation of the country, what was the duty of a good citizen? It was that which the proclamation directed. The gentlemen of the Association called upon the people to ask for that which they did not think necessary. For himself he was ready to state that the present representation of the people was, that which the country wished, and if they went farther, they would not support, but wanted to overawe the Legislature; for these reasons he should give his vote for the address.

Mr. PULTENEY approved very much of the proclamation, and the address moved by the honourable and learned gentleman over the way. Considerable alterations had been made in the constitution of late years, since the Crown had been curtailed of those powers that interfered with the rights of election. The voice of the people had great weight, and was known to be fully given through their representatives on every great occasion; which proved that the House of Commons, constituted as it was, was a fit organ to speak the voice of the people. He mentioned the election of 1784, when the people spoke their sense of the conduct of their representatives, very forcibly. He declared he would not detain the House, but should vote for the address.

Mr. LAMBTON rose to say a very few words on the question, and in the first place to take notice of Mr. Dundas's declaration, that the gentlemen of the New Association had pledged themselves to dissolve their Association, if they found the sense of the people was against their object. They had not done any such thing. They had declared, that if they found the sense of the people was against them, they must submit, and that they would use no illegal or unconstitutional powers, but would still continue to associate as a body. He still believed that the proclamation was levelled at them, notwithstanding Mr. Dundas had said, he

entertained an idea of a proclamation before the Aſſociation took place. The proclamation, he ſaid, would be miſconſtrued, and the motives of the Aſſociation traduced. The right honourable gentleman, he obſerved, had ſaid, that applying the word *eſpionnage* to the latter part of the proclamation, was putting a bad word to a good action. He was not ſurpriſed to hear that, ſince the other night he had heard a right honourable gentleman then in his eye, call the Baſtile one of the King's fortreſſes. An honourable gentleman had ſaid, look at the ſituation of France. He indeed lamented the calamities of that country, but he did not ſee how it applied to remedying abuſes at home, and why it was to be held out *in terrorem*. He declared, he reprobated the idea of governing men by their fears. It was, he ſaid, a bad ſyſtem, and uſed in the worſt of times by the worſt of men; he had hoped, therefore, that it lay buried in the family vault of the Stuarts. He had received a letter from Gateſhead, concerning ſome reſolutions of a ſtrange complexion. One of them ſtated, "that it is illegal and un-"conſtitutional to agitate and diſcuſs a parliamentary re-"form out of the Houſe." This he could not ſee how they could make out. They had lately agitated and diſcuſſed the queſtion of the abolition of the ſlave trade, and ſent a petition up to the Houſe upon the ſubject. He concluded with reading an extract on the ſubject of reform from Mr. Burke's writings.

Mr. ALDERMAN CURTIS ſaid, he wiſhed every honeſt man to give his opinion on ſo important a ſubject. He declared he ſhould vote for the addreſs.

Mr. MITFORD deſired to call the attention of the Houſe, to a word that had fallen from an honourable gentleman who had ſpoken laſt but one, for whom he entertained a very ſincere reſpect. The honourable gentleman had ſaid, that the New Aſſociation would continue to aſſociate, even after they ſhould find that the ſenſe of the people was againſt a parliamentary reform. Mr. Mitford aſked, whether the honourable gentleman was aware, that to aſſociate for the purpoſe of enforcing a meaſure, contrary to the

expreſs ſenſe of the people, was not legal? He conceived, that it never could be law in any country, for any ſet of men to enter into a conſpiracy of that ſort, and aſſociate for ſuch a purpoſe.

Mr. LAMBTON ſaid, though the honourable and learned gentleman had warned him of the danger of the ground on which he ſtood, yet he confeſſed that he had not excited his fears. He reminded the Houſe that he had guardedly expreſſed himſelf and ſaid, "if they found the ſenſe "of the people againſt them they muſt ſubmit, as they "would not reſort to any illegal or unconſtitutional mea-"ſures."

Colonel MACLEOD ſaid, when the queſtion ſhould next ſeſſion come under conſideration, he believed he ſhould be able to ſtate to the Houſe the evils that exiſted in the repreſentation of that part of the kingdom that he came from, where the people not only did not vote for their repreſentatives, but in fact there was no repreſentation at all.

The SPEAKER ſubmitted it to the honourable Member, whether what he was ſaying had any connection with the queſtion before the Houſe?

Mr. BAKER roſe to explain the nature of the Aſſociation, the object they had propoſed to endeavour to effect, and the limits they had ſet themſelves. This Mr. Baker did by reading the printed advertiſement of the Aſſociation which he had ſigned; and declared that he had ever held language diametrically oppoſite to ſuch principles as had in the courſe of the debate been imputed to the Aſſociation. He ſaid, he had always reprobated ſuch doctrines.

Mr. POWYS ſaid a few words in explanation.

The ATTORNEY GENERAL deſired the indulgence of the Houſe while he ſaid a few words. He began with declaring that what he had heard in the courſe of debate, from men of the firſt weight and conſideration in the country, had conſiderably quieted the alarms and apprehenſion that had filled his mind when he entered the Houſe. But what he was particularly anxious to ſay a few words upon was, in anſwer to what had been ſaid by an honourable gentle-

man under the gallery, relative to the Magiſtrates alluded to in the latter part of the proclamation being converted into ſpies and informers. Nothing could be more erroneous than any ſuch opinion, and he ſhould have been extremely ſory if ſuch an idea had obtained, as the moſt diſagreeable burdhen was borne by thoſe to whom they were all ſo much obliged, and as ſuch a reflection or imputation might tend to ſlacken their endeavours to ſerve the Public. There was, no ſuch ignominious duty impoſed on them; that part of the proclamation only reminded them of that part of their duty, which they were bound at all times to perform. As to the tranſmitting the names and deſcriptions of people to the Secretaries of State, how was it to be known who were fit objects of proſecution, unleſs notice be given to the officers of Government? His duty when the caſes were ſubmitted to him, was merely to ſay, "this will, or will "not, bear a proſecution." With regard to not proſecuting the firſt pamphlet, reaſons had been aſſigned why it was not thought right to proſecute that, and as a Member of Parliament he had a right to ſay, that he did think it gave a degree of conſequence to a publication, too abſurd to require an anſwer, to make it the object of a ſerious proſecution. Finding that no notice was taken of the firſt, a ſecond pamphlet appeared; and in that the wild and viſionary principles of the author were carried ſtill farther, and contrary to his expectation, had made an impreſſion on the minds of the Public. Much pains had in conſequence been taken to circulate them; and even children had ſcraps in the form of the extracts, put into their hands. The honourable and learned gentleman over the way had aſked why the author was not proſecuted. Who was the author? He ſaw the words "Thomas Paine," upon the title, but that, gentlemen well knew, was no legal evidence that he was the author, nor would it be received as ſuch. They well knew, it muſt be evidence much more preciſe, that could eſtabliſh the neceſſary and indiſpenſable proof the fact. Thomas Paine was a common name, and it might be aſked, how did they know which was the right one of the two?

With regard to the profecution not having been fooner commenced, it had been commenced without delay. The honourable gentleman well knew, that if a mifdemeanor was committed in February it could not be profecuted till July, and this would be profecuted in July. If a mifdemeanor was committed now, it could not be profecuted till Chriftmas. And this delay was the price we conftantly paid for many moft defirable fecurities to perfon and property. The connection of interefts was fuch in this country, the monied intereft, the landed intereft, the commercial intereft, that it could not be broken by a phalanx of fuch attempts as Mr. Paine's book; the moft dangerous effect of which would have been its impreffion on the yeomanry and freeholders, who were a body of men of fuch ineftimable value and importance to this country, though a body unknown to the unhappy country in our neighbourhood. The way to avert the danger that fupinenefs and neglect might encourage and augment, would be, to come to a declaration that they would face it in a direct, immediate and manly way; upon thefe grounds it was, that he fhould vote for the addrefs.

Mr. FOX faid, that from delicacy to friends truly dear to him, he could have wifhed not to have been obliged to give any other than his vote upon this queftion; but as there was not likely to be a divifion, perhaps it might go forth into the country that he agreed with the fentiments of feveral perfons on this fubject, with whom it was his honour and happinefs generally to act. He thought himfelf bound, therefore, to declare that he could not give his confent to a meafure of which he totally and completely difapproved, as impolitic, unwife, and alarming. He difapproved of it; firft becaufe it was infidious and ambiguous—becaufe it evidently had other purpofes than thofe which it profeffed, and becaufe it had all the features of that craft which belonged to the quarter from which it came. Was it directed againft Mr. Paine's book, the author and publifher of which were known; if fo, why defire to difcover the author and publifhers? If it had a direct purpofe, why not directly and unequivocally ftate it? Why, becaufe it was the infidious

intention to throw forth unneceſſary alarm, and vague aſperſions, that they might make it ſpeak a different language to the country than that which they explained in this Houſe. It was declared here not to be directed againſt the Aſſociation of the friends of the people, whatever aſpect it might wear out of doors, and no meaſure that he ever ſaw had more the characteriſtic features of deceit and illuſion than this proclamation. It might be aſked—why, then, have ſome of his particular friends ſupported Miniſters in the meaſure? He would explicitly anſwer the queſtion; they were, very unhappily for the country, made the dupes of the deep and artful deſign which Miniſters had in view. They were the dupes, from their ſincere opinions that a reform in the repreſentation was not only not called for by any neceſſity, but would not be a good nor a wiſe meaſure; and that the agitation of the queſtion led to uproar and miſchief. In this opinion, which they entertained zealouſly and honeſtly, they had been led to engage in this inſtance with men very different from themſelves; as different as deſpotiſm was from liberty, and honour and openneſs were from craft and myſtery. Indeed he ſtood himſelf in a very ſerious predicament; between friends on the one hand, and the other, who had all got into ſtrange company. He had not ſigned the declaration upon which the friends of the people had aſſociated, and he could not ſubſcribe to the principles upon which others of his friends ſupported the meaſure of this proclamation. On both ſides there was a meeting of disjointed aſſociations. In the year 1782, he remembered there was a meeting at the Thatched Houſe, when the right honourable Mr. Pitt, the Duke of Richmond, Major Cartwright and Mr. Horne Tooke, all agreed to certain reſolutions of reform. Now, by a ſtrange aſſociation, one ſet of his friends had got into company with the two firſt of theſe four, and another ſet with the two laſt. The Friends of the People had diſclaimed the imputation upon them, that they were connected with Mr. Cartwright and Mr. Tooke's doctrines, but we had no diſclaimer of the others. The right honourable gentleman and the Duke of

Richmond had thought proper to change their opinion on the ſubject of reform; and not merely to change their opinions, but the right honourable gentleman brings forth a proclamation, and the noble Duke is to head a camp, againſt it. He did not mean to ſay it was ſingular that the right honourable gentleman ſhould change his ſentiments upon any ſubject; he was ſo much in the habit of doing ſo upon all ſubjects, that one would think he had a patent for retraction, and a monopoly for change. There were few ſubjects upon which he had not utterly changed. Laſt year he had told the Houſe, that we muſt have an expenſive armament, becauſe the country was in danger from the alarming attempt of Ruſſia to obtain Oczakow. And this year, finding the country againſt him, he aſſured us we were in perfect ſafety, Ruſſia having obtained the very place which made our danger. Laſt year he had ſaid that we ought to repeal the penal ſtatutes, as ignominious and diſgraceful. This year, he ſays, they ought to be preſerved for edification, and to prevent ſcandal.

There was a paſſage in the proclamation which particularly ſtruck him. It ſays, "that the proſperity of the country depends on a juſt confidence in the integrity and wiſdom of Parliament." What muſt his friends think of ſuch an expreſſion as this coming from a Miniſtry who had begun their career, by declaring to the country that they ought not to have confidence in the integrity and wiſdom of Parliament? Did they not all recollect, that when he found the ſenſe of that Houſe againſt him, he gave His Majeſty an advice, not to pay reſpect to the wiſdom and integrity of that Houſe, but to diſſolve them, and to ſhew the country that they ought not to have confidence but in him perſonally? To give the true conſiſtent meaning to this expreſſion, therefore, there ſhould be added theſe words: "As long as the Parliament ſhall act agreeably to the King's executive Government." So long and no longer were the people taught to have confidence in them—O admirable leſſon to hold out to the country! O admirable doctrine to the Parliament itſelf! Obey, and you ſhall be honoured.

with the titles of integrity and wisdom.—Disobey, and you shall be dissolved, and branded with corruption and folly.

The plain intention of this proclamation was, to strive to make a division between that great body of united patriots, known by the name of the Whig interest; a party, the firm union of which he considered as of the utmost consequence, as indeed essential to the maintenance of the constitution. He knew of no plan so good, no object so desirable, as their firm union; and he was proud to say, that to divide them was impossible. They might think differently on particular subjects; but united on principles so salutary for the nation, no arts, however insidious, could prevail in dividing them. To effect this division the proclamation was intended. and not the writings of which it spoke. Those writings had been long before the public. The Associations of Manchester, and the society for constitutional information, had long been formed, and if any alarm had been entertained of them, long ago the measures ought to have been taken. But in truth they made the alarm by this proclamation, and if riots were to be provoked, they were likely to be riots on the other side; for in all the riots that had happened, the cry of Church and King was the pretence. Surely then the amendment mentioning the riots at Birmingham was proper, unless Ministers wished to take up a party, and countenance a faction. It was not, in his opinion, a republican spirit that we had to dread in this country, there was no tincture of republicanism in the country. If there was any prevailing tendency to riot, it was on the other side. It was the High Church spirit, and an indisposition to all reform, which marked more than any thing else the temper of the times, and surely if they looked back to 1780, or to the late riots at Birmingham, they would find that High Church frenzy was the cause. When had the Dissenters made a riot? What Swift had sarcastically said of the Whigs—That he would not say that all Whigs were infidels, but he was sure that all infidels were whigs. So though he could not say that all Churchmen were rioters, yet it was certain that all the late rioters had been

Churchmen, and this intolerant and persecuting spirit had been made particularly manifest in the late riot at Birmingham, where, as they might see from the admirable book of his learned friend, Dr. Parr, there were instances of want of the common feelings of honour and decency, in men with the education and rank of gentlemen. Mr. Fox concluded with a warm and feeling allusion to the friends of his political life, from whose side he would never separate, to whose opinions he had often yielded fair objects of personal ambition, but whose union he considered so essential to the public good, that though, in the prosecution of their system, they were without hope of favour from the Crown, and without thanks from the people, he knew and felt that they should have the rewards of their own consciences and hearts; rewards that, to honest minds, were ample and satisfactory.

Mr. Chancellor PITT said, that the right honourable gentleman differed from all others. He saw no necessity for any proclamation at all. He saw no danger in the seditious writings, which had for their tendency the total overthrow of the constitution, writings and doctrines which had gained ground, and of which, if he was not the advocate, he was by his language in denying their danger, the friend. He could not look into the bottom of the hearts of men, he could not reconcile this conduct with any spark of patriotism or love for the country. The right honourable gentleman just now had delivered one of the most personal and inflammatory invectives ever heard in that House. He urged the notoriety of the seditious writings that were in the hands of all men, and argued the necessity of the executive Government interfering, when they saw large bodies and societies going lengths by disseminating principles of the most dangerous tendency, principles subversive of the constitution, and destructive of the established form of Government. The New Association, however pure the motives of those Members of that House who had established it might be, having by means of their character, given it some force and weight with the Public, this circumstance would be taken

advantage of by men of no character at all, and the seditious and mischievous designs of the latter, engrafted on the plan of the New Association. He reminded the honourable gentlemen who had signed the Association, that the plan of the seditious persons to whom he alluded, was avowedly to strike at the root of monarchy, to put an end to the House of Lords, and to unhinge and new-model the constitution by changing it into a republic. He said, from the sort of argument that Mr. Fox had used, the right honourable gentleman, if not the advocate of Mr. Paine, was clearly his friend, and the friend of his doctrines.

Mr. GREY concluded on the amendment, and replied to the assertion of Mr. Pitt against Mr. Fox, that he saw no danger in these writings. How long was it ago that Mr. Pitt saw any danger? He had all along professed that there was no danger, until a society arose, the moderation of whose principles was calculated to repress and calm the violence of the seditious writings that had previously gone forth. That society was declared not to be dangerous, and yet it was this establishment that had drawn forth this paper.

The question was then put on the amendment, and negatived without a division.

The main question for the address was then put, upon which,

Mr. FOX took an opportunity to defend himself against the imputations of Mr. Pitt. He had accused him of not seeing danger in these doctrines. He avowed that he did not see danger, because he knew that the good sense and constitutional spirit of the people was a sure protection against the impolitic and absurd theories which were alluded to. And this had been uniformly the opinion of the right honourable gentleman himself, until he saw, or thought he saw, the means of stirring up division between the friends of freedom. The insinuations, that he must be actuated by motives hostile to the constitution, he would not trouble the House to reply to. The measures of his life were a sufficient answer to a charge so little becoming the right honour-

ablegentle man who made it. Let him, if he could, point out a ſingle act that would juſtify the aſſertion.

The Houſe then agreed to the addreſs, and an order was made for Members with wands to deliver the addreſs to His Majeſty.

The Houſe adjourned.

Wedneſday, 30th May.

On the reading the order of the day for the ſecond reading of the bill for the relief of Scots Epiſcopalians,

The SPEAKER obſerved, that as this bill originated in the Houſe of Lords, and contained a clauſe for raiſing money to carry part of the purpoſes of the bill into effect, it appeared to him that the rights of that Houſe were involved, for they alone ought to have the power of raiſing money. He therefore ſuggeſted the propriety of diſmiſſing all farther conſideration of the preſent bill. Leave might, on motion, be afterwards given to bring in a bill of the ſame nature. It was neceſſary that all bills by which money was to be raiſed ſhould originate in that Houſe. This ſuggeſtion was attended to and followed—the bill was diſmiſſed accordingly.

Mr. FOX ſaid, he had no particular objection to the preſent bill. In general he did not approve of bringing forward meaſures for the relief of one claſs of men, and of denying it to others. He feared that there might be ſome little objection to ſuch a meaſure as this on an idea of partiality. He had moved for relief for others, who were as well entitled to it as the objects of the preſent bill. The Houſe thought fit to refuſe it. However, as he wiſhed relief to all from the penal ſtatutes againſt modes of faith, ſo he would not oppoſe it when extended to any. In that view, therefore, he could not have any particular objection to the bill.

Mr. DUNDAS explained the nature of the bill, and obſerved, that it had formerly paſſed that Houſe, and dropped in the other. This ſeſſion it had been brought forward in the Lords, but on the point of form, was now rejected in

this. He believed there was never any objection to it in either House. He therefore moved for leave to bring in a bill for the relief of pastors and other persons of the lay communion of Scotland. Leave was given accordingly—and Mr. Dundas and Sir James St. Clair Erskine were directed to prepare and bring it in.

Sir JAMES ST. CLAIR ERSKINE observed, that from the present advanced state of the session, it would be impossible to conclude the bill for regulating the mode of accounting in the Royal burghs of Scotland; and as he understood there was no objection to what he had to propose, he should move that this business be postponed for the present session. He then moved, "That the order of the day "for a Committee on the bill for regulating the mode of "accounting in the Royal burghs of Scotland, be now "read;" which being done, he moved, "That this "order be postponed until this day month;" which was agreed to.

Mr. DUNDAS said, that last night intelligence had been received from Bombay, but which he had not yet been able to peruse fully; he should use all diligence in laying it before the Public; these circumstances rendered it necessary for him to postpone the statement of the affairs of India, from Friday to Tuesday next.

The House adjourned.

Thursday, 31st May.

There being only seventeen Members present at four o'clock, no business was done.

Friday, 1st June.

By a message from the Lords the House were informed that their Lordships had agreed to the address to His Majesty on the late proclamation. That His Majesty would receive it at three o'clock to-morrow at St. James's.

The House adjourned.

Saturday, 2d June.

The Houfe met to carry up the addrefs to His Majefty.
The Houfe adjourned to

Tuefday, 5th June.

Mr. SPEAKER reported that the Houfe upon Saturday laft attended His Majefty with their addrefs, and His Majefty had been pleafed to give the following anfwer :

Gentlemen,

I Thank you very warmly for this loyal, dutiful, and feafonable addrefs.

My utmoft endeavours fhall never be wanting to maintain among my people a juft fenfe of the advantages of our prefent conftitution, the fource of legal and well regulated freedom ; and at the fame time to fecure to them, by a due execution af the laws, a continuance of all the unexampled bleffings which they now enjoy. It is the greateft fatisfaction to me to reflect, that in thefe endeavours I fhall receive the firm and united affiftance of my Parliament, and I feel the fame conviction and confidence which is expreffed by you, that all our exertions for this purpofe will be feconded by the zeal and public fpirit of my people, whofe happinefs forms the firft object of all my wifhes.

Mr. Secretary DUNDAS having feverally moved, that the order of the day, that the Houfe refolve itfelf into a Committee of the whole Houfe, to take into confideration the various papers relative to the ftate of affairs in India, then on the table, be read ; that the faid papers be referred to the faid Committee ; and that the Speaker do then leave the chair ;

Mr. BEAUFOY took his feat at the table.

Mr. Secretary DUNDAS faid, he felt the aukwardnefs of going into a detail of the paft, and eftimate of the future revenues and expences of India, at a time when we were there in a ftate of actual war, and when confequently, all eftimates muft be liable to a confiderable degree of uncertainty ; but if

he were to decline giving the annual account to the Houfe of Commons which he had been accuftomed to do, he was aware that his doing fo might be conftrued into an admiffion of the repeated [illegible]ong affertions, that the finances of India were ruined; or at leaft confidered as a prefumption that he himfelf was now afraid to touch upon them, and fhrunk from the difcuffion. Finding his own mind perfectly at eafe, and perfuaded that if he fhould fucceed in explaining the detail of figures into which he muft neceffarily enter, fo as to be clearly underftood by the Committee, he fhould difpel every fear that might be entertained by others, he fhould therefore proceed to the difcharge of the duty which he had never yet reafon to regret that he had undertaken.

He reminded the Committee, that by the ftatement of laft year, after paying all charges and the intereft of debt, the net furplus was 1,409,079l. applicable to the purchafe of an inveftment and the reduction of debt. In what he was now to ftate, he muft take the accounts and eftimates from Bombay in general terms, becaufe an abftract only of the feveral heads having been tranfmitted to him from that prefidency, he had no data to enable him to go into an explanation of the particular articles comprehended under each of thefe heads. Purfuing his ufual mode, he fhould ftate the revenues of the feveral prefidencies on the ufual averages; then a comparifon of the laft year's eftimate of revenues and charges with the actual amount; and, laft of all, the eftimate of the revenue and charges for the prefent year, with fuch remarks and explanations as appeared to be neceffary.

BENGAL.

Surplus of laft year - - -		£.1,409,079
REVENUES on an average of 3 years, from 1787-8 to 1789 90. - -		5,454,[illegible]
Ditto, ditto, from 1788-9 to 1790-1 - -		5,560,586
Revenues of 1790, eftimated at -	5,223,943	
Produced - - - -	5,522,292	
Produce exceeded eftimate by —		298,349

CHARGES of 1790-1, estimated at	3,113,221	
Amounted to - -	3,225,927	
Amount exceeded estimate by	[redacted]	
Deduct Excess of Charges from Excess of Revenues, and the general balance of both turned out better than estimated by —		255,643

ESTIMATE for 1791-2.

Revenues - - -	5,055,640
Charges - - -	3,011,637
Excess of revenues applicable to aid the other Presidencies - - -	2,044,003

Although the result of the comparison between the estimates and the actual produce and charges of last year, as appeared by the above account, was a considerable balance in favour of the Company, yet he did not mean to reckon on it as permanent. On examining the several articles of which the revenue consisted, he found that the mint, and some other small duties, had increased, which was easily accounted for, from the effect that the war must have upon them. The land revenue, setting aside some arrears that had come in, was nearly the same as before. The customs fell short about three lacks, which was partly owing to the abolition of the petty custom-houses, a measure by which the country, and consequently the revenue, must eventually be improved; and partly to a deficiency in the mode of collection at the two great custom-houses, perhaps in some degree to the war.

As these were only temporary causes, so must be their effects; and he by no means regretted the abolition of the small custom-houses, because they were a much greater inconvenience to the natives than a benefit to the revenue, and naturally operated as a restraint on trade. But the great difference in the produce of the revenue was in the salt, which had been estimated at 86 lacks, and produced 115. By lowering the duties in order to lower the price, he had last year stated that it would produce less than usual; but such had been the in-

creafe of the quantity manufactured and fold that it had produced more, while the price to the confumer had been as low, as any man acquainted with India could have wifhed it to be. He did not confider this increafe of revenue as permanent, for feveral reafons. The fame quantity would not probably be manufactured another year, and the French, under a convention entered into in 1786, by which they were allowed to import into our provinces a certain quantity, had fmuggled fix lacks of maunds above that quantity, which being feized and confifcated increafed the fales, a circumftance that was not likely to happen again. There was alfo an increafe of about two lacks on the article of opium.

On looking to the other fide of the account in detail, it would appear that on the fix articles of civil charges, there had been a fmall faving of from 18,000l. to 20,000l. The military charges had exceeded the eftimate by 56,235l. This was not owing to our inaccuracy in making up the eftimate, but to the increafe of the detachment fent after Lord Cornwallis to Madras; fo that without the extra fervices, the charges in this refpect would have been rather below the eftimate. On the marine and fortifications there was a faving fo confiderable as deferved to be noticed. The eftimate had been made on the idea of a peace eftablifhment, and confiderable buildings had been ordered; when the war commenced, it was thought advifeable to fufpend all thefe, except fuch as were abfolutely neceffary, and the faving here had gone in aid of the extra expences of the military. The expence of collecting the revenue exceeded the eftimate by about feven lacks. For fome time paft it had been an object of ferious attention to fix the amount of the affeffments on the landholders, and he was happy to fay, that a general fettlement would foon reach India, by which every occupier of land under the Company would hold it by as firm and as regular a tenure in point of payment, as any landholder in this country. The effect of this muft be to give confidence to the landholder, who knew that he was to pay a certain affeffment, and no more, and ftability to the land revenue, becaufe there would always be ability to pay while the affeffment was moderate, and lefs temptation to evade payment where there was no fear of ex-

tortion. This permanent aſſeſſment he ſhould ſhew to be ſuch, as the occupiers of land eaſily could afford to pay; and and as it had been for a conſiderable time paſt an object to keep the aſſeſſments as regular as poſſible, the Government of Bengal had taken ſome contingent expences of collection on themſelves, which made the exceſs of ſeven lacks above the eſtimate. There was alſo a ſmall difference between the expence on opium and the cuſtoms, and the eſtimate. On the whole, however, the eſtimates, both for the laſt and for ſeveral years paſt, came ſo near the truth, or where they erred, erred ſo generally on the favourable ſide, that the Committee and the public at large would ſee, that they were not ſtatements made out at random, but carefully examined in all their parts; and that ſuch a ſyſtem of accounts was now eſtabliſhed in India as this country might ſafely confide in.

The eſtimate of the revenues for the preſent year was 466,652l. leſs than the actual produce of the laſt year, on account of certain ſmall duties intended to be aboliſhed, and on account of the increaſed revenue on ſalt not being taken as permanent. The land revenue was, indeed, reduced ſo low as to be only one lack more than it had been computed the people could eaſily pay ſix or ſeven years ago. It was even leſs than they had paid for ſeveral years paſt, becauſe, along with the aſſeſſment of the year, they had had arrears of former years to pay. The time, he truſted, was now faſt approaching, when all the arrears of former years would be paid up. And when, in conſequence of the eaſy and moderate aſſeſſment with which they were now charged, no farther arrears would be accruing. When he took the eſtimate thus low, he did not mean to admit, that it was neceſſary to to do ſo; becauſe, ſhould the quantity of ſalt, manufactured and brought to ſale, not fall off in any conſiderable degree, there would be no ſuch defalcation in the revenue as he had computed. At all events the Committee would ſee, that he was not going upon any ſanguine calculation, but taking every thing in his eſtimate in the moſt unfavourable point of view.

MADRAS.

REVENUES on an average of 3 years, from 1787-8 to 1789-90 — —		£.1,265,357
Ditto from 1788-9 to 1790-1 —		1,440,781
Revenues for 1790-1, eſtimated at	1,766,376	
Produced, as far as the accounts can be made up — —	1,644,222	
Leſs than eſtimated by — —		122,154
CHARGES for 1790-1, eſtimated at	2,548,575	
Amounted to, as far as aſcertained	2,686,304	
Exceeded eſtimate by —— ——		137,729
Add deficiency of revenues to exceſs of charges, and the reſult is more unfavourable than the eſtimate by —— ——		259,883

ESTIMATE for 1791-2.

Revenues —— ——	2,455,786
Charges —— ——	2,808,374
Exceſs of charges — ——	352,588

He remarked upon the ſeveral articles of revenue and of charge, endeavouring to point out the particular cauſes of defalcation in the one, and increaſe in the other, from which he drew a general concluſion that the cauſes of defalcation in the revenue were accidental and temporary, and that the actual amount of the civil and military charges correſponded with the eſtimate, as far as it could be made up at the time. The average of the revenue for the laſt three years, he obſerved, included part of a year's produce of the aſſumed revenues of the Nabob of Arcot; and as much more would be collected under that head, when a whole year was taken into the account; ſo the eſtimate of revenue for the preſent year, was proportionally increaſed. The charges of the year, if the war ſhould continue to the end of April, were computed at Madras to amount to about two lacks of pagodas more than

the charges of laſt year. He enumerated various grounds of credit to this calculation; but ſaid, that with every degree of information and attention on the part of the Council, their calculations, while the war continued, muſt be liable to error, although probably not to any very important error.

BOMBAY.

From this preſidency the accounts, as he had before obſerved, were deficient, and by no means ſuch as ought to have been ſent home. Taking them, however, on the general abſtracts, they contained, converting the rupee into Engliſh money, at 16 per cent. better than ſterling.

REVENUES for 1790-1, eſtimated at			£.266,372	
Produced	—	——	183,946	
Leſs than eſtimated by	——	——		82,327
CHARGES, eſtimated at		—	788,423	
Amounted to	—	—	1,112,437	
Exceeded eſtimate by	——	—		324,014
Add deficiency of revenues to exceſs of charges, and the reſult is more unfavourable than the eſtimate by	——	—		406,341

As he had no detailed account of the ſeveral articles of income and expence before him, he could not ſee in what particulars the revenue had fallen ſhort, or the charges exceeded. General Abercrombie, in a letter to Lord Cornwallis, dated June 19, 1791, after his return to Tellicherry, ſtated that he had rice and biſcuit for 40,000 men for five months, over and above what was neceſſary for the conſumption of his own army. The expence of this ſtore of proviſions had neceſſarily ſwelled the expence of laſt year, and the ſupply which it afforded would come in aid of the expences of the preſent.

BENCOOLEN and PRINCE of WALES's ISLAND.

Average revenue of Bencoolen from 1787-8 to 1789-90	———	—	£.3,550

Eſtimated ſupply from Bengal laſt year —		50,000
Actual ſupply — — —		62,018
Eſtimated ſupply in 1791-2 —		50,000

Beſides the ſum eſtimated as the neceſſary ſupply, 12,000l. worth of opium had been ſent from Bengal as merchandize. Of this a return would be made in courſe, and therefore he took the ſupply of this year from Bengal at the ſame ſum as the laſt.

GENERAL REVIEW.

Actual Revenues of 1790-91.

Bengal — —	£.5,522,292	
Madras — —	1,644,223	
Bombay — —	183,946	
Total —		7,350,461

Actual Charges of 1790-91.

Bengal — —	3,225,928	
Madras — —	2,686,304	
Bombay —	1,112,437	
	—	7,024,669
		325,792
Deduct expences of Bencoolen and Prince of Wales's Iſland — —		62,018
		263,774
Add ſale of import goods and certificates		327,877
		591,651
Deduct Intereſt paid at		
Bengal — —	301,524	
Madras — —	173,830	
Bombay ſtated at, but no actual account — —	112,784	
	—	588,138
Surplus — —		3,513

The whole that remained of the year's revenue and produce of ſales and certificates, after paying the expences of the war and the intereſt of debt payable in India.

The next article to be confidered was the

INDIA DEBT.

Debt April 30, 1790 ———	£.7,056,652
April 30, 1791 ——	8,150,936
Increafe of debt in India ——	1,094,284
Add debt remitted by fubfcription to England	688,044
Increafe of debt, if none remitted home	1,782,328
Debt in India, bearing intereft April 30, 1790	5,406,936
Ditto, —— —— April 30, 1791	6,325,444
Increafe of debt, bearing intereft —	918,508
Intereft of debt, ftated laft year at ——	447,106
Intereft on 30th April 1791 ——	529,624
Increafe of intereft, exclufive of diminution by the transfer of debt ———	82,517

On this general review, the Committee would fee that the War and the intereft of debt had exhaufted within a trifle the whole revenue of India and the profits of fales and certificates, while a debt had been contracted of 1,782,328l. How, they would afk, had this debt arifen? He was ready to anfwer, by the purchafe of inveftments.

Advance for inveftments at Bengal, Madras, and Bombay —— ———	£.950,821
Supplies to China — ——	238,470
Cafh more remaining in the Treafury in April 1791 than in April 1790 — —	303,355
Total	1,492,646
Deducting this from the increafe of debt above ftated, and the difference unaccounted for was only —— ——	289,682

To this was to be added the ſilver, which on the breaking out of the war, Lord Cornwallis thought it expedient to take out of the China ſhips at Madras, on his own authority. This was much leſs than perhaps was generally ſuppoſed, being only 67,160l. and would increaſe the unexplained difference to 356,842l. This difference, by a reference to the finance letter ſent out, after receiving the accounts and eſtimates laſt year, would appear to ariſe from bills drawn at Madras on Bengal, the amount of which was ſtruck out of the accounts at Madras on drawing the bills, and theſe not being preſented at Bengal till after the cloſing the annual accounts, the amount did not appear in them, but yet made part of the expence of 1790-91. The amount of theſe bills was 311,878l. and when all the circumſtances were conſidered, and how nearly theſe bills brought the aggregate account to a balance, there could be no doubt but that the ſtatement he had given of them was the true one.

Having thus accounted for the increaſe of the India debt, he came next to ſhew that the Company's affairs were not worſe in the beginning of 1792 than in the beginning of 1791, by the amount of this debt. He referred to an account of India finance publiſhed by the Accomptant to the Board of Control, which he affirmed, although controverted in ſome points by a latter publication (Mr. Tierney's) contained an extenſive and accurate view of the Company's affairs—a view that was not to be obtained by conſidering any part of them without reference to all the reſt. By that it was clearly ſhewn that the Company's affairs had been bettered more than a million annually for the four laſt years. By referring to No. 24 and No. 27 of the printed accounts, gentlemen would ſee that in the courſe of the laſt year, the Company's affairs at home had been improved, by paying off debt to the amount of 964,000l. and by an increaſe of money in their treaſury to the amount of 541,405l.; ſo that deducting theſe ſums ariſing undoubtedly from the ſales of their inveſtments, from the debts contracted to purchaſe thoſe in-

veftments, the whole fum in which the Company could be faid to be worfe in 1792, than in 1791, was about 276,000l. This was in fact all that they had fuffered in their finances after the war had continued for eighteen months; and as he was not difpofed to difpute about trifles, the gentlemen might, if they pleafed, call it half a million. Even that fum, compared with the exertions made to bring the war to a fpeedy conclufion, but much more with the predictions and affertions of fome gentlemen laft year, would appear to be of but little moment. Laft year the expence of the war, over and above the revenues of India, were faid to be 5, 6, and 12 millions. Surely gentlemen ought to diftruft the mode of calculation they had adopted, when they found that the expences of the year had exceeded the revenues of the year only by fo fmall a fum as he had mentioned. At leaft he was entitled to hope that his eftimates, which facts had confirmed, would be more entitled to credit than theirs, who had been fo very wide of the truth.

The furplus of revenue at Bengal he had ftated to be — —	£.2,044,003
The intereft of debt and fupplies to Madras and Bencoolen — —	932,212
	1,111,791

Leaving more than a million for the fupply of Bombay, a a fum greatly exceeding the largeft eftimate that any man would think of forming. Having thus fhewn that the funds of the Company had anfwered in 1790-91, that they promifed to be more abundant in proportion to the expence for 1791-2, and that if any additional debt was contracted, it would be for the purpofe of providing an inveftment, by which the Company's affairs would be proportionally improved at home, he produced a variety of private letters, all corroborating his public accounts. One of thefe mentioned the ample fupplies of money, and cattle received for the army, and added, that the prefidency of Madras would have no occafion to draw on Bengal be-

fore the end of May, ſhould the war continue ſo long. Another from the Pay-maſter General ſtated, that Lord Cornwallis's plan for conducting the war, was ſuch as even experience and events did not produce a wiſh to alter; that he had, with infinite ability, kept his unwieldy allies together; that he had ſupplied his army chiefly from the enemy's country, and turned Tippoo's means of ſupply againſt himſelf; that ſuch was the efficient control in all the departments, that no money was waſted; and that the expence of the war in all the preſidencies, did not exceed the expence of the peace eſtabliſhment by much more than 100,000l. a month, From all theſe corroborating circumſtances, he had a right to expect that gentlemen would lay aſide thoſe fears and that deſpondency, with which they had not only impreſſed their own minds, but, perhaps, in ſome degree, communicated to the Public; and that the property of perſons, who had a right to ſee it take its fair unbiaſſed value in the public opinion, ſhould not be depreciated by apprehenſions that had no foundation in fact.

There was as little reaſon for ſuppoſing that the internal ſituation of Bengal had ſuffered by the war. Within one year bullion to the amount of one million had been ſent out by the Directors, which, by preventing the commerce of the country from being interrupted from a drain of ſpecie to ſupply the army, contributed to its internal proſperity, and alſo prevented the depreciation of the Company's paper at Madras, which, inſtead of being at 30 per cent. diſcount, as in former wars, now bore a premium. There was alſo a larger inveſtment than uſual now coming home from Madras. The increaſed export of goods to China, and the quantity of money in the Treaſury there, made it unneceſſary to ſend any bullion from Bengal, in aid of the China inveſtment; nor had the exportation of bullion added to the debt of the Company at home. Thus had they been enabled to ſupport a war by their own proper reſources, without applying to Government for aid, or calling on the proprietors for an ad-

vance, and withont adding to their debts. He had faid laft year, that the finances of India were much more likely to come in aid of the finances of this country, than the finances of this country to be called to aid thofe of India. He had been afked in the beginning of the prefent feffion, If his opinion was ftill the fame? He had anfwered that it was; and if now afked, fhould anfwer that his opinion was unaltered, and his hope of feeing it realized more confident than ever.

He concluded with moving his firft refolution.

As foon as Mr. Dundas fat down,

Mr. FRANCIS rofe, and obferved, that the right honourable gentleman had faid, that there had been a confiderable increafe in the laft year's revenue on falt in Bengal, and that this had been accomplifhed with a confiderable diminution in the price to the confumer. Of courfe, the confumption muft have been immoderately extended. Such a fact appeared to him hardly credible; at leaft it was not made out to his comprehenfion, by a fair ftatement, as it ought to be, of the quantities fold, and of the prices in the laft year, compared with thofe of the preceding year.

Mr. DUNDAS explained, that on the laft fale at Madras, falt fold at 185 rupees the maund.

Sir JAMES St. CLAIR ERSKINE ftated fome difference in the account.

Mr. Dundas explained, and Sir James replied.

Mr. FRANCIS then rofe again, and faid, that, uninformed as he was, he could have nothing to oppofe to the ftatements and accounts brought forward by the right honourable gentleman, who poffeffed all the means of official information, and who was anfwerable to the Houfe and to the Public for the truth of his facts, and for the accuracy of the particulars he had ftated. That it was very difficult to follow, and impoffible to controvert fo long and intricate a feries of calculations; and he believed, that even to underftand them properly, upon a fingle hearing, was as much as the attention of any man prefent was equal to. He fhould therefore take the particulars of thefe details for

granted, on the authority of the right honourable gentleman. That the general results and conclusions were of a nature more obvious and intelligible, as well as much more important, than a multitude of items, out of which any ingenious person, who had the command of the figures, might argue and conclude whatever he thought proper. On those he should offer a few remarks, rather as a caution to the House and to the nation, than with a view to controversy of any kind. The right honourable gentleman had talked of the flourishing state of the revenue of Bengal; he had said, that the ten years settlement of the lands was to be perpetuated; that the lands were fully able to bear the present assessment; that the landholders were perfectly satisfied; that they paid their rentals without difficulty, or ever being distressed; and that there was a certain prospect of increasing revenue and increasing prosperity in the province of Bengal. Mr. Francis said, that he certainly approved of the principle, said to be now at last adopted, of fixing and perpetuating the property of the lands in the hands of the Zemindars, who were the true owners; he had earnestly recommended this plan himself, so long ago as the year 1776, as well as many others for the better government of Bengal, by which other persons had profited, and for which he had never received either thanks or credit. *Sic vos non vobis.* As to the brilliant description given by the right honourable gentleman of the flourishing and prosperous state of Bengal, he had many doubts. He could not affirm that he had authentic accounts of the contrary, but he constantly saw, in the Bengal newspapers, advertisements of the sale of lands, seized for want of due payment of the revenue. In short, there was scarcely one paper which did not contain one or more advertisements of that kind, that had been published at Calcutta for some time past.

He said, he held in his hand two of these advertisements, which he had that morning selected out of a great number of others. The one announced a sale of seventeen villages, on the 27th of December, 1791, and the other a sale of forty-

two villages on the 30th of November, 1791. Mr. Francis considered these advertisements as undeniable proofs of the reverse of the right honourable gentleman's statement, knowing, as he did, how much a Hindoo will suffer, rather than part with the smallest portion of his landed property. That Bengal, even under the best European government, must be, from the necessary effect of its political situation, a declining country. That the ruin of distant provinces, so circumstanced, might be accelerated by abuses, or retarded by prudence and honesty in the administration of its government; but sooner or later it must happen. In support of this opinion, founded on his own observation and experience, as well as on all the general considerations that belonged to such a subject, he should content himself with appealing to the specific evidence of Lord Cornwallis, who, in a letter to the Court of Directors, dated 2d August, 1789, had given them the following material information: "I am sorry to say, that agriculture "and internal commerce has, for many years, been gradually declining, and that at present, excluding the class of "Shroffs and Banians, who reside almost entirely in great "towns, the inhabitants of these provinces were advancing "*hastily* to a general state of poverty and wretchedness, and "in this description, I must include almost every zemindar "in the Company's service." In another minute, dated 18th September, 1789, Lord Cornwallis said, "I can safely "assert, that one third of the Company's territory in Hindostan is now a jungle inhabited by wild beasts." But, if that were true, as it certainly was, it was not very likely that in the districts, bordering on jungles so inhabited, there should be any great invitation to population and improvement; and if this was the case only two or three years ago, Mr. Francis desired to be informed what favourable events, what rapid changes, had happened in the interval, which had so much improved the situation of the country and its inhabitants, as to warrant the honourable gentleman in the dazzling picture he had drawn of their happiness and prosperity. We have heard of nothing but the war with Tippoo, which had obliged Lord Cornwallis to quit the seat and center of his government, to reduce the investment, to borrow money

at 12 per cent., to drain Bengal of as much of its remaining ſpecie as could be collected, and to carry it with him to the Myſore country for the ſupport of the war.

The right honourable gentleman had ſaid, that the aſſeſſment of the revenue had not been increaſed. It might be ſo; and yet it would not follow that the people could bear it in their preſent circumſtances. He underſtood that the eſtimate was made ſeven years ago, and might be moderate then, but if the country had declined, and was declining, it could not bear the ſame aſſeſſment. The ſale of lands was a proof that it could not, and they all knew what bankruptcies and ruin, and ſtagnation of trade had happened in Calcutta. The crops of grain had failed in the northern circars, and a famine had threatened; and even in Bengal, they were ſo apprehenſive of a ſcarcity, that Government had been obliged to prohibit the exportation of grain, (almoſt the only conſiderable article of export, for which the country received a return) and to order the ſhips in the river to be unladen. In former times, Great Britain had received great ſupplies of merchandize and money from Bengal, whereas now they were come to the reverſe; the tables were turned on us, and we ſent ſpecie thither, inſtead of receiving it from India. If that practice were to be eſtabliſhed, and to continue as a ſyſtem, Mr. Francis ſaid, we had better give up Bengal at once. It had been acknowledged by Mr. Dundas, that, in the courſe of laſt year, the Court of Directors had ſent out a million in ſpecie to Bengal; and he deſired to know, if that was to be taken as a proof of the flouriſhing ſtate of the province? With regard to the war, the right honourable gentleman, Mr. Francis ſaid, had charged gentlemen with having ſacrificed to their gloomy fancies; and giving way to their deſponding imaginations, had talked of the great expences and burdens it had and would occaſion. He would not anſwer for what others might have ſaid, but his aſſertion, a year ago, was, that the war could not coſt leſs than four millions ſterling, if the whole account had been made up and cloſed at that time, and he ſaw no reaſon to alter his opinion. Suppoſing it to be true, as he underſtood the right honourable gentleman to aſſert, that the whole expence of

the war, up to the date of the lateſt accounts, (except a little balance of 276,000l.) had been provided for, without incurring a proportionate increaſe of debt, (the poſſibility of which, though he would not diſpute, he believed he ſhould hardly admit on any human evidence) ſtill it was obvious that, if you applied your ſurplus to the expences of the war, you muſt take it from a much better deſtination, from the reduction of old debts, and from the proviſion of an inveſtment. To continue an old debt, which might have been paid off, was the ſame in effect as incurring a new one. To contract your inveſtment, or to purchaſe it with money ſent from England, or borrowed in India, when, without the war, you might have had a much greater, without either loan or remittance, was juſt as much an invaſion of your reſources, and an incumbrance to your finances, as if you had borrowed ſo much money directly and avowedly for the ſupport of the war. The difference was only in the form of drawing up the account. The effect and ſubſtance were the ſame. It was a material queſtion, Mr. Francis ſaid, and a queſtion to be anſwered; did the accounts ſtated by the right honourable gentleman include *all* the military charges, or did they leave great arrears unprovided for, under the head of Contracts, Grain, Cattle loſt, &c., &c.? Recollecting that, year after year, the arrears of the laſt war made part of the annual diſburſements, he declared, he ſhould be ſurpriſed a little at hearing, that all the bullocks, &c. were paid for immediately, and if they were to be paid hereafter, the real expence of the war was kept out of ſight, and left to be provided for at a future diſtant period. Theſe arrears would be found to act like an unfunded debt on the territorial revenues, long after Lord Cornwallis might have quitted India. The right honourable gentleman well knew, that the outſtanding claims, on account of the preceding war, had not been liquidated in leſs than ſeven years after the peace. Were they completely diſcharged at this day?

On one particular article he wiſhed for an explanation, becauſe he believed it would be found conſiderable in the amount. The right honourable gentleman had ſaid, that Lord Cornwallis ſubſiſted his army by grain got from out of

the enemy's country. He believed, Mr. Francis ſaid, that the grain ſo obtained, was conſidered by the army as prize grain, for which they would expect to be indemnified in money. He wiſhed to know if it was ſo or not; becauſe if it was, there would, by and by, be a conſiderable claim on the Company, or on Government, on that head.

Mr. Francis then ſaid, that he could not ſit down, without expreſſing the ſurpriſe he felt at obſerving that, on ſuch a day as the preſent, the right honourable gentleman, in ſo long a ſpeech about the affairs and ſituation of India, ſhould nor have thought it proper to ſay one word about the actual ſtate of the war, or to give the Houſe the ſmalleſt light or expectations about its probable continuance, or in what way and at what period it was likely to be concluded. That gentleman had come into power upon a declared ſyſtem of pacific policy, and limited dominion. But, no ſooner did he find himſelf firmly ſeated, than this profeſſed plan, with all the fine principles belonging to it, was abandoned, and the old ſyſtem of war and conqueſt, ſo often reprobated and condemned, and by nobody more than himſelf, was completely reſumed. If we were not driven by downright neceſſity into the preſent war, it muſt be then, what he had always thought it, a war of pure policy at the beſt; but, in his opinion, of mere ambition. But, let the war be what it would in its principle or its object, we had a right to know how it actually ſtood, by the lateſt accounts; what effects it had produced, and what we had gained or ſuffered by it. Had the Houſe, he aſked, any idea of the miſeries ſuffered by the army, of which he did not doubt that Lord Cornwallis had his full ſhare, miſeries that, when they came to be known, would make the ſtouteſt heart tremble, and yet they were, from time to time, told, that the army were always in high ſpirits? Was it nothing to reflect on the ſufferings of countries where the war was carried on? As the right honourable gentleman had ſet him the example of reading private letters, he would, Mr. Francis ſaid, take the liberty of reading a few lines from a letter which he had lately received from a perſon in India, whoſe ſituation enabled him to be well acquainted with

the facts he had ftated. Mr. Francis then read the following

" Extract of a private letter from India, dated in November, 1791.

" The Mahratta and Nizam's forces have burnt, plun-" dered, and devaftated wherever they have marched, and it " is impoffible to give any probable computation of the num-" ber of unfortunate people who have already perifhed by " this war, and its confequences; but I am confident I " fhould not exceed the truth, if I put it at above one mil-" lion of fouls."

Mr. Francis concluded with faying, that as he could not oppofe contradictions to what the right honourable gentleman had ftated, he muft content himfelf with the reflection, that the right honourable gentleman was refponfible not only for the truth of the detail and ftatements which the Committee had heard, but for all the general conclufions drawn from them. Mr. Francis declared that he had hoped to have received fome affurance of the probability of peace being reftored to that unhappy country; but now, at the end of two years, in which the war had been carried on with glory and fuccefs, the right honourable gentleman had left us, by his profound filence on the fubject, to our own opinions and conjectures, and juft as much in the dark as ever about the probable end of it.

Major SCOTT faid—I look upon this day not to be appointed for a mere difcuffion of the accounts prefented by the India Minifter, but as a day on which we are to confider the paft and prefent ftate of our Eaftern empire; and in that view I fhall trouble you with my fentiments. The Houfe well knows, that this is the fixth year in which the right honourable gentleman has given us his India budget. The Houfe alfo knows, that it is the fixth year of the impeachment of Mr. Haftings. I am addreffing myfelf, Mr. Beaufoy, to gentlemen, to men of fenfe, of confcience, and of honour; but how they can reconcile it to their confciences, or to honour, to approve, as they do, year after year, of every ftatement delivered to them by the right ho-

nourable gentleman, and which I believe, and indeed know to be ſtrictly true; how they can agree with him, year after year, that India is in a moſt flouriſhing ſtate, and Bengal the beſt governed country in India—how they can alſo agree, year after year, in thoſe repreſentations which are annually made, in their name, in Weſtminſter Hall, by the Managers of this Houſe, manifeſtly and directly contradicting every thing that the right honourable gentleman ſtates here; how they can hear them repreſent Bengal as a country deſolated and deſtroyed; the natives ſuffering under the moſt grievous oppreſſion: how, I ſay, Mr. Beaufoy, gentlemen, poſſeſſed of common feeling, can ſubmit to ſuch miſerable contradictions, is to me indeed moſt aſtoniſhing. The time, however, will come, I am confident, when the Houſe will be aſhamed of ſuch diſgraceful tranſactions, and the concern it has had in them. Before I proceed farther, I beg to take notice of ſomething that has fallen from an honourable gentleman (Mr. Francis) with whom I have differed on the ſubject of India, from the moment we both entered this Houſe; yet, Sir, unleſs the India Miniſters ſhould be proved to have given falſe accounts to Parliament, which is impoſſible, I will boldly ſay, that ſo far from overrating the value of our Indian poſſeſſions, I have at all times ſtated them at leſs than they produced. But, ſays the honourable gentleman, "Bengal is a declining country."—Upon my word, Mr. Beaufoy, it is with wonder, and ſomething more than wonder, that I find the honourable gentleman ſtill perſiſting in ſo ſtrange an aſſertion, againſt ſuch a maſs of irreſiſtible evidence, that proves the reverſe. There is no ſpecies of proof that can be called for, which is not before us, upon this point. You have an account of the reſources of Bengal for the laſt twenty-five years. The revenue ariſing from land is three millions ſterling a year. Can a country be ruined, which produces, for ſo many years, ſo equal a revenue? The other reſources of the Government of Bengal, as the honourable gentleman well knows, have been annually improving, from the moment Mr. Haſtings arrived in Bengal But the honourable gen-

tleman has now produced a new, and a most respectable evidence, Earl Cornwallis. That noble Lord declared, as he tells you, in September 1789, that one third of Bengal was a desert. He did so; but would it not, Mr. Beaufoy, have been candid and fair in the honourable gentleman, to have told you what his Lordship's friend, Mr. Shore, said in answer to that remark? It was, that if one third of Bengal was a desert in 1789, two thirds were in that situation twenty years before; since, in fact, Bengal had greatly increased in population and agriculture during the English Government. The very same evidence was given by Mr. Shore, on oath, in Westminster Hall. Every man of conscience since, whose brain is not turned by his prejudices, has said the same thing; the public accounts prove it; and it is folly to doubt the truth of the fact. Yet, Mr. Beaufoy, sorry and ashamed am I to confess, I blush for my country, and for this House, when I say that the honourable gentleman can quote high and commanding authority in support of his assertions, extravagant as they are. The journals of this House say also, that Bengal is a declining country, oppressed, ruined, and destroyed. But allow me to add, Sir, that for the six following years, the journals also contain the resolutions moved by the India Minister, which prove the falsehood and the folly of the articles, which are so filled with ruin and destruction.—— That both should stand upon the journals, is, in my opinion, a high disgrace to the dignity of Parliament. And now, to return to the right honourable gentleman. After giving us the same flattering account this year as in former years, after stating the resources of the Bengal Government at five millions and a half, or very near it, he says that the Company's affairs have improved above one million sterling a year, for the four years from 1786 to 1790. I believe him; I entertain no doubt of the fact; and without any exaggeration, or misrepresentation, I will shew the House, how the right honourable gentleman has got that annual million of which he boasts. It arises from sources actually created by Mr. Hastings, and branded upon your

journals with every opprobrious epithet that the malignity of man can beſtow upon them.

Increaſed rent of Benares	- £.	170,000
Salt	- - -	600,000
Opium	- - -	140,000
Oude	- - -	200,000
Total	- -	1,110,000

To avoid cavil, Sir, I have ſtated theſe reſources at leſs than they really are. The truth is, that the total reſources of Bengal, when Mr. Haſtings left it, were more than two millions a year higher than when he came to it; but for what he has done, under theſe four heads, he is branded by diſgraceful epithets upon your journals. At this very minute he is defending himſelf againſt the Benares charge, and ſuch is the diſgraceful inconſiſtency of the King's India Miniſter, that he takes each year, without a ſcruple, what, upon his ideas, are the wages of iniquity. He has no objection to the Public receiving the increaſed rent of Benares, and perſecutes Mr. Haſtings for having procured it. The time will come, I am confident, when ſuch conduct muſt be univerſally reprobated. Sir, the right honourable gentleman has, as uſual, given you a very copious detail of the income and expenditure of India for the paſt year. He knows that I always concurred with him in opinion that the expences of this war were infinitely over-ſtated by many gentlemen, but ſtill I believe he will find, that when the arrears are brought in, the accounts before him will not include all the expences properly belonging to the laſt year. All the right honourable gentleman has ſaid, is well calculated to raiſe the ſtock, which, I think, ought to be higher; and I am ſure I wiſh the welfare of the Company as much as he can do; yet ſomething he has omitted to ſay, is likely to depreſs it *. He has not given us a ſingle word as to the probable duration of the war, or the probable ad-

* Major Scott was right; for India ſtock fell the next morning.

vantages likely to reſult, on the deſtruction of Tippoo's power. I will endeavour to rectify this omiſſion, by giving the ſentiments of a well-informed officer on the ſpot, who believes the overthrow of Tippoo to be certain, and who expreſſes a hope, that on the reſtoration of peace, we ſhall poſſeſs all the country between Madras and Mangalore, including as much of the table land of Myſore as takes in Seringapatam and Bangalore. I hope, and believe, Mr. Beaufoy, that ſuch a partition will take place, and that there is no idea of peace, ſhort of future ſecurity. But the right honourable gentleman's total ſilence on this ſubject will, I am confident, create conſiderable alarm. After ſuch repeated acts of barbarity and treachery as we have experienced from Tippoo, even in the hour of his diſtreſs, what faith can be placed in him in future? The annihilation of his power is, therefore, a moſt important object. The right honourable gentleman takes credit for conſiderable ſums from the Carnatic and Tanjore, both which are procured by a moſt flagrant and avowed breach of treaty. Sir, ſaying this, I wiſh to be underſtood as not meaning to caſt the ſlighteſt imputation upon the characters either of Lord Cornwallis or General Meadows. Circumſtances will juſtify in them that conduct for which the India Miniſter has no excuſe. The India Miniſter, when Mr. Haſtings recommended it to Lord Macartney to take the reſources of Tanjore, in order to ſave the Carnatic, entered a reſolution upon the journals of this Houſe, declaring that ſuch a meaſure would be a breach of treaty, and would tend to the ruin of the country. He afterwards orders a treaty to be concluded with the Nabob, and another with the Rajah, by which the Company are bound, under no poſſible circumſtance, to ſeize either the Carnatic or Tanjore. He approves the treaties when made. General Meadows fairly and honeſtly declares, that the proviſions in thoſe treaties are futile and inefficient, and that in war they muſt have recourſe to meaſures very different from thoſe provided in Sir A. Campbell's treaty. When the Nabob holds up that treaty to the acting Governor, in the

General's abſence, he expreſſes his ſurpriſe that his Highneſs ſhould talk of the treaty, when he tells them the proviſions of the treaty are inefficient. The countries are ſeized; the Nabob complains moſt violently to every branch of the Government of this country; but, in contradiction to every principle he has ever held, inſtead of ordering the country to be reſtored to its acknowledged ſovereign, the right honourable gentleman, and another right honourable gentleman (Mr. Pitt) gave their entire approbation to the act. I own, Sir, I am very ſorry that an honourable and learned gentleman (Mr. Anſtruther) has given up that motion which he pledged himſelf to make upon this ſubject. I was curious, indeed, to know how the India Miniſter would reconcile what he has now done, with his reſolutions of 1782, or with his votes upon the impeachment of Mr. Haſtings. Undoubtedly, Mr. Beaufoy, I have taken much pains to ſift this buſineſs thoroughly, and I have publiſhed my ſentiments upon it, under the ſignature of "Aſiaticus," not from a wiſh to conceal myſelf, I aſſure you. A right honourable gentleman (Mr. Pitt) has done me the honour, in former times, to pay me ſome very flattering compliments, for the uncommon accuracy with which I had given India details in this Houſe. He has lately ſpoke of me in as contemptuous a manner as parliamentary freedom could warrant. But, Sir, the change is in him; I have not altered my ſentiments nor my language; and I defy the ingenuity of man to reconcile the conduct of Miniſters, who are now proſecuting Mr. Haſtings, for breaches of treaty, of which you cannot find one man to complain, and for meaſures, the advantages of which they take without ſcruple, while they approve a palpable violation of faith, to the firſt and oldeſt ally of the Company, who has complained, moſt loudly, though vainly, of their conduct. The right honourable gentleman was ſo well aware of the force of this argument, that at firſt he denied there was any breach of treaty at all, and acknowledged that he ſhould be barred from every plea of defence before the Public, if he were capable of approving an actual violation of faith

towards the Nabob of Arcot, and continue to profecute Mr. Haftings for a fuppofed breach of treaty. Sir, I thank the Houfe for their indulgence, and once more beg to appeal to them as men, and as gentlemen. Let them confider the fituation in which they are annually put; agreeing with the right honourable gentleman that India is flourifhing; agreeing with the Managers that it is ruined; agreeing with the Minifter that our refources in India have been improved, and are yet improving; taking, without a fcruple, every rupee that Mr. Haftings procured, yet profecuting him for having procured them. Thefe, Mr. Beaufoy, are a few, and but a few, of the fhameful contradictions in which we are involved on the fubject of India. The Public has long feen them; and I truft the time will foon come, when we fhall all be heartily afhamed of them.

Mr. VANSITTART, in reply to what Mr. Francis had faid, as to the mode of letting lands in Bengal for ten years, declared that the cuftom had obtained for upwards of thirty years in the province of Bednapore, and the province adjoining, and by the mode of felling the land in default of payment of the revenue, (which was no proof of the affeffment of revenue not being moderate) the revenue was collected eafily, and all forts of punifhments to enforce its collection, were rendered unneceffary.

Mr. FRANCIS faid a word or two in explanation.

General SMITH faid it was impoffible, after what he had heard, for him not to rife. It had been faid, that the ftate of the Bengal revenue was good; for his part he thought it too good. He had all along faid, the Governor General muft be his own Chancellor of the Exchequer, yet he could not have thought he would have proved fo good a one.—Provifion he had faid from all the provinces in India, would be procured to fupply the Britifh army; the nature of the cafe abfolutely required it, and he had no doubt but the event of the war would turn out favourably to this country. He could not bear to hear it faid, that it was a war of policy. He fhould ever contend, that it was a war of neceffity and a war of honour, and the fuccefs of it hitherto, as

well as the ſtate of the expences of it, were, he declared, beyond his moſt ſanguine expections. With regard to ſending our money to India, if money was required there, it muſt be ſent; when he was a young man and ſerved in India, it was by that means that we were enabled to preſerve our poſſeſſions and carry on the former war. He reminded the Committee, that on a former occaſion he had ſaid, he wiſhed peace never to be made between Tippoo Saib and Great Britain, till the former was extirpated; and in that declaration he was juſtified, becauſe it had been clearly proved, that when Tippoo ſigned the treaty of Coimbatore, he immediately broke it, and inſtead of letting the garriſon march out as was ſtipulated, he ſent them all priſoners up the country. That laſt act of treachery, were there no other, ought to teach us how to deal with Tippoo, and when he reflected on the number of our gallant countrymen, who had been murdered by him, not only general officers, but ſubalterns, and private ſoldiers, and that no faith was to be held with ſo faithleſs a tyrant, he was convinced, he was more than ever fixed in his opinion, and he truſted, therefore, that we ſhould not make peace in India, till Tippoo Saib was extirpated,

Major MAITLAND ſaid, that money had been paid out of the revenues of 1790 and 1791, for the expences of the war, and that he could not think the annual reſources, after the ordinary expences, would leave a ſurplus adequate to the expence of carrying it on. From his knowledge of the country in time of war, he could ſtate that the grain for ſubſiſting the troops was principally taken in the enemy's country, and aſked whether grain ſo taken was not reckoned prize-money to the captors of it, for which they were afterwards to be paid, and not grain paid for at the time it was brought to the army; of courſe if it was ſo, there muſt be an arrear due upon that ſtore which was not included in the right honourable gentleman's ſtatement of the loſs incurred by the war. He likewiſe ſtated, that the war contracts for bullocks, &c. were not paid at the time, nor any allowance made to the contractors, but for ſuch as were

killed or rendered uselefs for fervice. He next made fome remarks on the retreat from before Seringapatam, and the diftreffes attending both Lord Cornwallis and General Abercrombie's army, from all which he contended from his own experience and knowledge of that country, that the expences of the war muft greatly exceed the ftatement. He faid the right honourable gentleman had introduced private correfpondence from public men, which looked as if thofe in high fituations from India chofe to communicate agreeable intelligence to the right honourable gentleman by private letters, though they did not think themfelves warranted to do it in public official difpatches, which might rather have been looked for from them. From the manner in which the right honourable gentleman fought for information, and from his prefent fituation, it was not likely that any unpleafant accounts would be fent to him; however, that did not invalidate in the leaft the information which other gentlemen might receive from that country. He had always been of opinion, that our alliances with the Mahrattas was a difgrace to this country; and he had before ftated his fufpicions concerning them, with his information now confirmed him he was well grounded in. A circumftance had come to his knowledge fince he entered the Houfe, which might not be generally known, but which came in a letter from a perfon high in fituation, and upon whofe authority he could rely with the greateft confidence. He would only read two lines of the letter which gave an account of the treachery of the Mahrattas, and their conftant endeavours to promote defertion amongft the European troops. He concluded with fome general remarks on the general fyftem of Mr. Dundas on the Government of India, and regretted that there was no probability that his honourable friend (Mr. Anftruther) could bring forward his motion this feffion, relative to the feizure of the Carnati from the Nabob of Arcot; a meafure that he knew of no principle or argument by which it could be juftified.

Mr. ANSTRUTHER faid, he had been particularly alluded to by feveral gentlemen in the courfe of the debate,

on the ſubject of a motion which he had given notice of, but which, without any fault of his, or he believed any blame to the right honourable gentleman oppoſite, had been unavoidably poſtponed. An honourable Member (Mr. Scott) had thought it was impoſſible that thoſe who voted for impeaching Mr. Haſtings, could ſupport the conduct of Lord Cornwallis and General Meadows on this point; for his part he ſaw no difficulty; for though he condemned the meaſure, yet he did not condemn the men, becauſe from the circumſtances at the time, it might have appeared to them to be a proper meaſure, though he thought otherwiſe; on the other hand, he believed in his conſcience that Mr. Haſtings's conduct could not be juſtified, becauſe it appeared to him that Mr. Haſtings proceeded upon diſhoneſt and corrupt motives. He begged again to ſtate, that by condemning the meaſure, he never meant to condemn Lord Cornwallis or General Meadows; but he ought rather to ſay, that the purport of his motion was to inſtitute an inquiry into the matter, and that being granted, the Houſe would, no doubt, act as became their wiſdom.

Major SCOTT roſe after Mr. Anſtruther, and aſſured him, that he never had an idea of troubling himſelf about the honourable gentleman, or his ſentiments; but he defied any man to reconcile the Miniſter's conduct to any one juſtifiable principle; as he had condemned in Mr. Haſtings, what he had highly approved in others.

General SMITH ſaid, that he was called up by an aſſertion of an honourable Member (Mr. Maitland), that the Mahrattas encouraged our ſoldiers to deſert; he believed it might, and ought to be explained, that there were ſeveral European officers and men in the Mahratta camp, who might naturally wiſh to increaſe their number; but while the Mahrattas were our allies, this could not be called deſertion.

Major MAITLAND ſaid, the honourable gentleman was completely miſtaken with regard to the fact he had ſtated, for it was not to the Mahratta camp, nor within thirty

miles of it, that thoſe men deſerted, but to places in the country, where they could be of no poſſible ſervice to us.

Mr. JENKINSON ſaid, that he did not mean to enter into the buſineſs of the night, what particularly called him up was, to make ſome obſervations on a cuſtom that ſeemed to prevail lately with gentlemen in almoſt every debate. It was, that of reading letters and papers, without ſtating from what authority they came. He thought, whenever a letter was read, the name of the writer ſhould be ſtated, becauſe the credit which it ought to have with the Houſe and the public, depended entirely upon the authority from whence it came.

Major MAITLAND ſaid, if the honourable gentleman alluded to any letter or paper brought forward by him, or any of his friends on that ſide of the Houſe, who were not now in their places, he muſt inform him that they had upon no occaſion done ſo but when they were fully convinced that their authority was true, and their information good. With regard to giving up the name of the perſon who wrote the letter he had read, he had no authority to do ſo, and it might be imprudent; but he would freely ſay, that it came from an honourable and reſpectable character, at the ſame time the honourable gentleman and the Houſe muſt be aware how delicate was the ſituation of an officer who was writing from a camp and wiſhed in confidence to give his friend information, and yet if that was imprudently uſed, might be liable to very ſerious conſequences, particularly in India, where it was well known ſuch pains had been taken to ſuppreſs all correſpondence if unfavourable, however true.

Mr. JENKINSON ſtill maintained his propoſition, but declared that he did not mean to allude to any particular perſon; he only ſpoke againſt the cuſtom, as it might occaſionally give a turn to a debate, and authority be oppoſed to argument.

Sir J. S. ERSKINE ſaid, Mr. Dundas had ſet the example by reading private letters from public men. He likewiſe mentioned the pains taken to prevent correſpon-

dence from India; and thought it was the authority of the reader of a letter in that Houfe that was to be looked to more than the name of the writer; and the degree of credit which the Houfe would naturally give, was in proportion to the authority it came from. As to authority prevailing over argument, that was fometimes feen in the Houfe; but, certainly, from all that had happened lately, it was not to be dreaded from that fide of the Houfe.

Mr. JENKINSON explained, and

Mr. ANSTRUTHER faid, the objection was irregular, as any gentleman might read a paper as part of his fpeech. He contended that the fituation of an officer writing from India was peculiarly delicate, becaufe his future hopes and promotion might depend upon the right honourable gentleman oppofite.

Mr. Secretary DUNDAS rofe chiefly in reply to Mr. Francis; he contended that the frequency of fales was no argument againft the moderate affeffment of rents, except it was argued from analogy to this country, that lands when too high rented muft be fold, becaufe the tenants cannot pay; might not landlords in that country, as well as this, be fpendthrifts, and diffipate their property, fo as to embezzle what ought to go to the payment of their tribute. With regard to his own refponfibility, he confidered himfelf no farther refponfible than to give a fair ftatement from the accounts he had received. However, he did give thofe ftatements without any doubt or hefitation, becaufe he was perfectly fatisfied and convinced that they were fair and likely to fulfil all he predicted with regard to the income of India. He replied to what had been faid of bullock contracts, which were now fupplied by agency. He believed the article of his ftatement, alluded to, included all expences, and that there were no arrears to be expected; as to the price of grain, he would only fay, that when Lord Cornwallis fent parties to collect grain for the troops, and invited thofe who had it, to fell it to him, he certainly paid for it, and it was all included in the eftimate. He could not fee that the letter which had been read anywife affected

his arguments, or the queſtion before the Committee.—— They were not debating whether we ought to have the Mahrattas, as allies; but ſurely if they were not with us, they would be againſt us, and there could be little doubt which was to be preferred. He adhered to all his former opinions on the conduct of Lord Cornwallis, General Meadows, and Mr. Haſtings, relative to the Carnatic and Nabob of Arcot, and maintained that the two former had not taken a ſingle rupee from him improperly or unjuſtly; all that was done was owing to his breaking treaty with us. When gentlemen quoted any thing, he ſaid, he wiſhed them to quote fairly, and with the context, and not to pick out words here and there, for the purpoſe of cavilling.

Major SCOTT deſired one word to explain, in anſwer to Mr. Dundas. He ſaid, it was abſurd to repeat that we had not broke the treaty with the Nabob. Our Governors abroad allowed that we had. The right honourable gentleman ſays, that the Nabob was backward in his payments. Suppoſe he was, the treaty foreſaw the event, directed what meaſures were to be taken in caſe of arrears; but inſtead of having recourſe to thoſe meaſures, we ſeized the whole country, in direct and avowed violation of the treaty, and the King's Miniſters approved the act.

Mr. DAVID SCOTT ſaid, he certainly ſhould not have intruded himſelf on the notice of the Houſe on that occaſion, were it not that an honourable gentleman over the way (Mr. Francis) had dropped ſome opinions in regard to our poſſeſſions abroad being in a declining ſtate, particularly Bengal, which, he conceived, he could throw ſuch lights upon, as would place thoſe opinions in a very different point of view. As a diſcuſſion, however, had taken place in regard to the propriety or impropriety of reading private letters to the Houſe without the names of the writers, and alſo as to the weight of evidence due to the letters produced that night, he would firſt give his opinion on that ſubject. He could not ſay that he thought it would be fair to inſiſt upon the honourable gentleman over the way (Ma-

jor Maitland) giving up the author of the letter he had read, for, as he had properly remarked, it might, if the author of it was in a dependant ſituation in India, hurt him with his ſuperiors. So far he agreed with the honourable gentleman over the way; but they would, he dared ſay, take it for granted, that it only had the credit ſuch evidence merited with the Houſe. His right honourable friend gave letters from gentlemen whom he named; men of the firſt character, and high in office abroad: the Governor and Members of the Council at Madras. The honourable gentleman on the other ſide, gave them letters, or in other words, the *ipſe dixit* of inviſibles. Of courſe, the influence of the honourable gentleman's letter, in the ſcale of evidence, would be to that of the letter from his right honourable friend, as the *ipſe dixit* of an inviſible being was to the moſt reſpectable authority in India. He ſhould beg leave to anſwer the honourable gentleman (Mr. Francis) who had given them his gloomy ideas on the declining ſtate of Bengal, and our other poſſeſſions. The honourable gentleman had inſtanced in the advertiſements of old Gazettes ſaid to come from Bengal, that at two different places, villages had been ſold, becauſe the renters could not pay their rent, which, as the honourable gentleman had ſaid, was a proof of the country being rack rented. Such ſales could be no proof; for in ſuch an extenſive country, could they ſuppoſe no extravagant poſſeſſors? Muſt there not be extravagant heirs there as well as here, and every where elſe? He ſaid, he would however lead the honourable gentleman to a better criterion, which he would find in that Houſe. Let him take a comparative view of the period when he was in Bengal, and the preſent time, and he would ſee that there was not one fifth of the annual defalcation of the revenue at preſent that was uſual then. Of courſe, the rent was ſo much lighter to the farmers. As to the ſcarcity of ſpecie which the honourable gentleman mentioned at Bengal, the anſwer was eaſy; ſilver was in ſuch abundance at China, Bombay and Madras, that it had begun its route to Bengal.

Silver found its level like water, and by-and-by it would be overabundant at Bengal, so would travel back again.— There were points obvious to all men's minds at all acquainted with commerce, and must be perfectly so to the honourable gentleman, he was persuaded, when he chose to exercise his reflection. The honourable gentleman had quoted a minute of Lord Cornwallis in 1789, saying that near one third of Bengal was a jungle; he would go farther than Lord Cornwallis, and declare, that he recollected the day when nearly one half was in a desert state. But it had been for several years rapidly improving. When that honourable gentleman was in Bengal, there were only two English plantations commencing, that did not yield 10,000l. produce. Whereas the plantations of English subjects now yielded 250,000, in Indigo, piece goods, &c. &c. all manufactured on their own ground. At Bombay, money, he said, was at 6 per cent. per annum: at Madras at 8: a certain sign of plenty; and the Company's paper at the first place was near par, and at the latter, as had been stated, bearing a premium. Could there be stronger signs of prosperity? The papers on the table shewed the regular progressive revenue. They had unquestionable proofs of the tonnage of India being largely increased; of the exports from our ports in it being also greatly increased. In short, he would encroach on the House no longer than by remarking that if proof of an increasing revenue, an increasing commerce, an increasing agriculture, and an increasing population, were distinguishing marks of prosperity, our possessions in India had prosperity in a superlative degree. Mr. Scott concluded with declaring, that he begged pardon for keeping the House so long, but could not help sitting down with great satisfaction, at having it in his power to bear such testimony to the superior conduct of the Government abroad, and the great prosperity attending it.

Major MAITLAND still insisted that grain taken in an enemy's country was the same as prize-money. As to the Nabob of Arcot, it was true, they did not take a single

rupee from him; becauſe by the treaty they had not left him one. The only thing he had was his civil Government, and that they now had taken.

Mr. Dundas, Mr. Maitland, General Smith, and Major Scott, ſaid each a few words; after which the reſolutions were read, agreed to, and reported to the Houſe.

Mr. Fox ſaid, he roſe to give notice that he would to-morrow inquire, in conſequence of what had already paſſed on the ſubject, what farther proceedings were likely to take place on the ſlave trade.

The Houſe adjourned.

Wedneſday, 5th June.

Mr. FOX moved, "That the amendment made by the Lords in the Quo Warranto bill be read," which being done,

He obſerved that the principal one was that which reſtricted the time of making the motion in the nature of Quo Warranto, calling on any perſon to ſhew by what authority he acted in any corporation to ſix years—the original time was eight years. The eight years appeared to him the better period (and for which he aſſigned ſeveral reaſons), but rather than hazard the fate of the bill for this ſeſſion, he ſhould agree to the amendments; which, after a few words from the Chancellor of the Exchequer, was agreed to accordingly.

Mr. FOX, agreeable to his notice, roſe with a view to draw the attention of the Houſe to the ſituation in which they ſtood, relative to the buſineſs of the ſlave trade; and to inquire if there was any likelihood of proceeding farther in that buſineſs this ſeſſion. The reſolutions ſome time ſince adopted by the Houſe he had underſtood to have been adopted for the purpoſe of founding bills thereon: the principal reſolution was to aboliſh the trade in 1796; but he was free to confeſs, that ſeeing the extent of the maſs of evidence which the Lords had deemed it wiſe to go into; there

had not appeared to him any probability, or reasonable hope that a bill for that purpose could have been carried through Parliament in the present session; but he had still wished to have seen that bill brought into the House, as it might have saved some discussion in the next session. A farther important purpose of the resolution was, he observed, to abolish the export trade of slaves to foreign possessions; and to a bill for that object, he did not see any reason to expect from the Lords, the same difficulty as might be opposed to the bill for the total abolition, since their Lordships would not have to go into examination of what was or was not likely to benefit our own islands. Another resolution went to limit the tonnage, to which no objection had been made, and the carrying that resolution into effect, he deemed a very material point, for if such a measure were not carried into effect, the discussion that had taken place would rather produce mischief than good, as it might occasion additional exertions for the temporary extension of the trade. For the objects he had mentioned, the House had resolved that a bill should be brought in, and gentlemen had been named to prepare and produce it; he meant to impute no improper motives to those gentlemen for not having brought it in, as he had every reason to believe them to be actuated by the most zealous wish to obtain the objects they had professed a desire to accomplish; but the difficulty in which the House was involved was, that after a bill had been ordered, no bill had been produced, and he saw no way of getting rid of that difficulty, but by moving the addition of names to those ordered to prepare the bill; yet that mode was ungracious, as it might imply what he by no means intended, against the gentlemen already named, whom he was convinced held the trade in equal abhorrence with himself.—Some measure, however, he thought ought to be adopted to rescue the House from the situation in which they stood: if bills were brought in and passed to the Lords, and there rejected, it would not be the fault of the Commons, and the apprehension of such rejection he did not consider a suf-

ficient excuſe for that Houſe not acting up to their conſcience and their feelings. He therefore wiſhed to aſk whether two bills, one for the prohibition of the export of African negroes to foreign iſlands, and the ſecond for limiting the tonnage, might not be brought in, and carried through that Houſe in the preſent ſeſſion?

Mr. Chancellor PITT ſaid, he had at firſt felt the hope of bringing forward the bill, and leaving it open to ſuch alterations as might be neceſſary from the proceedings of the other Houſe upon the reſolutions before them: but from the extenſive evidence gone into by the Houſe of Lords, he ſaw no proſpect of ſucceſs from agitating ſuch a bill in the preſent ſeſſion, and particularly ſo, as it certainly would not be regular to offer the Lords a bill founded upon reſolutions, on which they were examining evidence. The Chancellor of the Exchequer ſaid, he agreed fully with the right honourable gentleman, that a ſtrong diſtinction was to be made between the reſolutions, and he wiſhed that the conſent of the Lords could be obtained to bills for the limitation of the tonnage, and for the prohibition of the export to foreign plantations, but he really did not think that in either of theſe objects, there was much probability of ſucceſs in the preſent ſeſſion. On the contrary, he ſaid, his opinion was, that they might tend to embarraſs and defeat the general object they all had at heart. If any gentleman thought otherwiſe, they could bring in bills, and if they failed of ſucceſs, he ſhould lament the failure. The adding of names to thoſe already ordered to prepare the bill, he ſhould not in any degree conſider as a reflection on thoſe who now ſtood on the order; there was however another mode to be adopted, namely, the diſcharging the preſent order, and moving for the ſuggeſted bills.

Mr. FOX replied, that the conduct of another Houſe ought not to prevent their doing what they thought they ought to do. He had no objection to move the bills, if he thought there was time in the probable duration of the ſeſſion to carry them to the Lords.

Mr. ESTWICKE was of opinion, that any motion in the prefent feffion, when many gentlemen had left town, under the conviction that no meafure would be proceeded on, would be unfair, as it muft be taking thofe gentlemen who were abfent, by furprize.

Captain BERKELEY faid, as there was no queftion before that Houfe, he begged leave to move the order of the day.

Mr. WILBERFORCE declared, he could not fit filent after the fpeech of the honourable gentleman who had fpoke laft but one. The fuggefted bills, if moved, certainly could not take gentlemen by furprife, as the Houfe had refolved upon the limitation of the tonnage, and upon the prohibition of the export trade, againft which refolutions he had not heard a word advanced. In reply to what had been ftated by Mr. Fox, Mr. Wilberforce faid, if he had thought a bill could have been brought in without prejudice to the main object, he certainly would have perfifted in his intention, but his fear was that the main bill, and either of the others, would occafion too much difcuffion to afford any probability of their being carried through in the prefent feffion. If, however, the right honourable gentleman (Mr. Fox) fhould think proper to bring in a bill, it fhould moft certainly have his warmeft fupport; but if nothing more fhould be done in the prefent feffion than what had been done, he hoped the Houfe would take up the fubject very early in the next feffion, when the cafe would be materially different.

Mr. FOX faid, he felt no difficulty in his way on account of the charge of taking the Houfe by furprife; the order of the Houfe ftanding for a bill, which had never yet been prefented, afforded a ftronger occafion for furprife on the part of thofe who wifhed for an abolition, than on that of any other defcription of gentlemen. He felt, he faid, the greateft deference for the opinion of Mr. Wilberforce, knowing the intereft (he meant in the beft fenfe of the word) that he took in the fubject, and his zeal and anxiety to obtain an

abolition of the trade; but he declared, he did not entertain so much doubt of success in carrying the bill, as he doubted of a sufficiency of time for success. It might then, he said, be asked of him, being of that opinion, why he had not earlier made his present proposition? To which he must answer; first, that he had considered it a point of delicacy, and therefore wished to leave it as long as possible in the hands of those to whom it had been well entrusted; and, secondly, that he had not until the preceding day, understood the session to be so near its close as he had then reason to believe it to be, having thought that it would have been continued at least until the evidence in defence, upon the present charge, had been closed in Westminster Hall on the trial of Mr. Hastings. Mr. Fox concluded by saying, he should consult other gentlemen on the subject, and if from them he collected any prospect of success of carrying a bill for limiting the tonnage, he would this day move for leave to bring in such a bill.

The House adjourned.

Thursday, 7th June

Mr. HOBART reported from the Committee of the whole House the following resolutions respecting the standing orders on navigation bills:

STANDING ORDERS of the HOUSE OF COMMONS, of the 7th Day of *June*, 1792, with respect to NAVIGABLE CANALS, AQUEDUCTS, and the NAVIGATION of RIVERS.

Resolved,

THAT the Standing Orders of the House, of the 28th of *January*, 1771, the 25th of *April*, 1774, the 15th of *November*, 1775, and the 20th of *July*, 1789, respecting Navigation Bills, be repealed.

Refolved,

That, when any application is intended to be made to the Houfe, for leave to bring in a bill for making any cut or canal, for the purpofes of navigation, or any cut, canal, or aqueduct, for the purpofe of fupplying any city, town, or place, with water, or for varying or altering any fuch cut, canal, or aqueduct, already made, or for making or improving the navigation of any river, or for altering any act of Parliament paffed for any or either of thofe purpofes, (in which bill for altering any fuch act it is intended to give power for raifing any farther or additional rates, tolls, or duties) notice of fuch intended application fhall be inferted three times in the *London Gazette*, in the months of *Auguft* and *September*, or either of them, previous to the feffion of Parliament in which fuch application is intended to be made: and that fuch notice fhall alfo be inferted in fome one newfpaper of every county through which any fuch cut, canal, or aqueduct, is intended to be carried, or in which fuch cut, canal, or aqueduct, already made, is intended to be varied or altered, or in which fuch river, or fuch part thereof as is intended to be made navigable, or the navigation thereof to be improved, is fituated, (or, if there is not any newfpaper printed in or for fuch counties refpectively, then in the newfpaper of fome county near or adjoining thereto) three times at the leaft, in the months of *Auguft* and *September*, or either of them, immediately preceding the feffion of Parliament in which fuch application is intended to be made: and that fuch notice fhall alfo be given at the general quarter feffion of the peace which fhall be holden for every and each county, riding, or divifion, through which any fuch cut, canal, or aqueduct, is intended to be carried, or in which fuch cut, canal, or aqueduct, already made, is intended to be varied or altered, or in which fuch river, or fuch part thereof as is intended to be made navigable, or the navigation thereof to be improved, is fituated, at the *Michaelmas* preceding the feffion of Par-

liament in which ſuch application is intended to be made, by affixing ſuch notice to the door of the Seſſion houſes reſpectively where ſuch General Quarter Seſſions ſhall be holden.

Reſolved,

That ſuch ſeveral notices ſhall contain the names of the pariſhes and townſhips in, to, or through which any ſuch cut, canal, or aqueduct, is intended to be carried, varied, or altered, or in which ſuch river, or ſuch part thereof as is intended to be made navigable, or the navigation thereof to be improved, is ſituated.

Reſolved,

That a map or plan of ſuch intended cut, canal, aqueduct, or navigation, and alſo of any intended alteration in any cut, canal, aqueduct, or navigation, already made, ſhall be depoſited, for public inſpection, at the Office of the Clerk of the Peace of every county, riding, or diviſion, through which ſuch cut, canal, aqueduct, or navigation, is intended to be carried, or ſuch alteration is intended to be made, on or before the eleventh day of *November* previous to the ſeſſion of Parliament in which ſuch application is intended to be made; which map or plan ſhall deſcribe the line of ſuch intended cut, canal, aqueduct, or navigation, or of ſuch intended alteration, and the lands through which the ſame is intended to be carried, together with a book of reference containing a liſt of the names of the owners, or reputed owners, and occupiers, of ſuch lands reſpectively.

Reſolved,

That, before any application is made to the Houſe for any or either of the purpoſes aforeſaid, a previous application ſhall be made to the owners, or reputed owners, and occupiers, of the lands through which any ſuch cut, canal,

aqueduct, or navigation, is intended to be carried, or any ſuch alteration is intended to be made; and that ſeparate liſts ſhall be made of the names of ſuch owners and occupiers, diſtinguiſhing which of them, upon ſuch application, have aſſented to, or diſſented from, ſuch intended cut, canal, aqueduct, or navigation, or ſuch alteration, or are neuter in reſpect thereto.

Reſolved,

That, whenever any petition is preſented to the Houſe for any or either of the purpoſes aforeſaid, there ſhall be preſented, with ſuch petition, the liſts mentioned in the laſt preceding reſolution, and alſo a duplicate of the map or plan ſo to be depoſited at the Office of the Clerk of the Peace, as aforeſaid.

Reſolved,

That, whenever any petition is preſented to the Houſe for making, varying, or altering, any ſuch cut, canal, or aqueduct, as aforeſaid, or making or improving the navigation of a river, there be annexed to the ſaid petition an eſtimate of the propoſed expence of ſuch undertaking (in caſes where proviſion is intended to be made for raiſing money to defray ſuch expence) ſuch eſtimate to be ſigned by the perſon or perſons making the ſame: And, if ſuch money is propoſed to be raiſed by ſubſcription, that there be alſo annexed to the ſaid petition, an account of the money ſubſcribed for that purpoſe, and the names of the ſubſcribers, with the ſums by them ſubſcribed reſpectively.

Reſolved,

That, whenever any petition has been preſented to the Houſe for the purpoſes aforeſaid, or any or either of them, the Committee to whom ſuch petition ſhall be referred, do

examine, in the firſt place, how far the orders contained in the preceding reſolutions have been complied with, and do report the ſame, at the time when they report the matter of any ſuch petition, as it ſhall appear to them, to the Houſe.

Reſolved,

That the Clerks of the Peace, or their reſpective deputies, do make a memorial, in writing, upon the plan and book of reference depoſited with them in manner aforeſaid, denoting the time at which the ſame was lodged in their reſpective offices; and do, at all ſeaſonable hours of the day, permit any perſon to view and examine the ſame, and to make copies or extracts therefrom, ſuch perſons paying for the ſame the uſual and accuſtomed fees paid to ſuch Clerks of the Peace, for the inſpection, and copying of, or making extracts from, records in their reſpective offices.

Reſolved,

That, in all bills preſented to the Houſe for any or either of the purpoſes aforeſaid, proviſion be made for compelling the perſons who have ſubſcribed towards carrying any ſuch work into execution, to make payment of the ſums ſeverally ſubſcribed by them; and alſo to oblige the commiſſioners or truſtees to take ſecurity from their Treaſurer, receiver, or collector, for the faithful execution of his office.

Ordered,

That the laſt nine of the ſaid reſolutions be made Standing Orders of this Houſe.

Ordered,

That the ſaid ſeveral reſolutions be printed; and that copies thereof be ſent to the Sheriffs of the ſeveral counties of

Great Britain, and alſo, to the Clerks of the Peace within *England* and *Wales*; and that the ſaid Sheriffs do take care, that copies of the ſame be publiſhed, and diſtributed within their reſpective counties.

J. HATSELL,
Cl. Dom. Com.

Friday, 8th June.

Sir CHARLES BUNBURY obſerved, that ſome time ſince he had moved for certain papers, which contained information relative to our colony in New South Wales, and which were now before the Houſe. He had alſo given notice, that he ſhould have a propoſition to make upon that ſubject, but as the ſeſſion was now ſo far advanced, he ſhould defer it to the next ſeſſion.

The Houſe adjourned.

Monday, 11th June.

Yeſterday a meſſage was brought from the Lords to acquaint the Commons, that their Lordſhips will proceed farther on the trial of Warren Haſtings, Eſq. to-morrow, in Weſtminſter hall.

The ſame meſſengers brought with them the Scotch Epiſcopalian bill, and four other bills, which their Lordſhips had agreed to.

The Houſe adjourned.

Tueſday, 12th June.

A meſſage was received from the Lords, that their Lordſhips would proceed farther in the trial of Warren Haſtings, Eſq. upon the ſecond Tueſday in the next ſeſſion of Parliament.

The Houſe adjourned.

Wednesday, 13th June.

There not being a sufficient number of Members to form a House at 4 o'clock, no business was done.

The House adjourned.

Thursday, 14th June.

Mr. Chancellor PITT moved the reading of the petition on the table of the House, from Mr. Russell and others, of Birmingham.

The same being read accordingly, Mr. Pitt then moved, "That an humble address be presented to His Majesty, to "order that an inquiry be made into the losses stated by "the said petition, and to grant such compensation as His "Majesty shall think just, which the House will provide "for." Ordered.

The House adjourned.

Friday, 15th June.

A message from His Majesty, by Sir Francis Molyneux, Gentleman Usher of the Black Rod:

Mr. Speaker,

The King commands this honourable House to attend His Majesty, immediately, in the House of Peers.

Accordingly, Mr. Speaker, with the House, went up to attend His Majesty; where His Majesty was pleased to give the Royal assent to several public and private bills.

After which, His Majesty was pleased to make a most gracious speech from the Throne, to both Houses of Parliament, as followeth; viz.

My Lords, and Gentlemen,

I CANNOT close the present session of Parliament without re-

turning you my particular thanks for the attention and diligence with which you have applied yourſelves to the diſpatch of public buſineſs, and eſpecially to the important objects which I recommended to your conſideration.

Gentlemen of the Houſe of Commons,

The readineſs with which you have granted the neceſſary ſupplies, and the freſh proof which you have given of your conſtant affection for my perſon and family, in enabling me to provide for the eſtabliſhment of my ſon, the Duke of York, *call for My warmeſt acknowledgements. I have alſo obſerved, with the utmoſt ſatisfaction, the meaſures which you have adopted for the diminution of the public burthens, while you have, at the ſame time, made additional proviſion for the reduction of the preſent national debt, and eſtabliſhed a permanent ſyſtem for preventing the dangerous accumulation of debt in future.*

My Lords, and Gentlemen,

I have ſeen with great concern the commencement of hoſtilities in different parts of Europe. *In the preſent ſituation of affairs, it will be my principal care to maintain that harmony and good underſtanding, which ſubſiſts between me and the ſeveral belligerent powers, and to preſerve to my people the uninterrupted bleſſings of peace; and the aſſurances which I receive from all quarters of a friendly diſpoſition towards this country, afford me the pleaſing hope of ſucceeding in theſe endeavours.*

The recent expreſſions of your uniform and zealous attachment to the eſtabliſhed Government and conſtitution, leave me no room to doubt that you will, in your ſeveral counties, be active and vigilant to maintain thoſe ſentiments in the minds of my faithful people; and I have the happineſs of receiving continued and additional proofs of their juſt ſenſe of the numerous and increaſing advantages which they now enjoy under the protection and diſtinguiſhed favour of Providence.

And afterwards, the Lord Chancellor, by His Majeſty's command, ſaid,

My Lords, and Gentlemen,

It is His Majesty's Royal will and pleasure, that this Parliament be prorogued to Thursday, the 30th day of August next, to be then here holden; and this Parliament is accordingly prorogued to Thursday, the 30th day of August next.

The following Papers were laid on the Table, for the perusal of the Members:

An Account, shewing how the Money given for the Service of the Year 1791, has been disposed of, distinguished under the several Heads, until the 8th Day of February, 1792, and the Parts remaining unsatisfied; with the Deficiency thereupon.

SERVICES.		Sums voted or granted.	Sums paid.	Remains to be paid.
NAVY.	£. s. d.			
For wages, and wear and tear of the Navy, and the victualling thereof for 24,000 men, including 4,800 marines, from the 1st day of January, 1791 - -	1185600 0 0			
For the Ordinary of the Navy, including half pay to sea and marine officers, for the year 1791 - -	689395 13 4			
Towards the buildings, re-buildings, and repairs of the ships of war in His Majesty's yards, and other extra works, over and above what are proposed to be done upon the heads of Wear and Tear, and Ordinary, for the year 1791 — — —	506010 0 0			
Towards defraying the expences occasioned by the augmentation and equipment of His Majesty's naval forces on the late armament — —	1565000 0 0	£. s. d.	£. s. d.	£. s. d.
		3946005 13 4	3460643 6 $6\frac{3}{4}$	485362 6 $9\frac{1}{4}$
For cleansing and securing the harbour of Catwater and Sutton Pool, near Plymouth, in the county of Devon -	-	2000 0 0	2000 0 0	

ORDNANCE.

For Ordnance land service — —	381769 18 3			
For Ordnance sea service — —	62400 0 0			
For defraying the expences of services performed by the Office of Ordnance for land service, previous to the 31st of December, 1783, and not provided for by Parliament	3857 5 1			
For defraying the expence of services performed by the Office of Ordnance for land service, and not provided for by Parliament, in 1789 —	30613 19 1			
For defraying the expence of services performed by the Office of Ordnance for sea service, and not provided for by Parliament, in 1789 — —	25278 12 0			
For defraying the expence of services performed by the Office of Ordnance for land service, and not provided for by Parliament, in 1790 — —	2159 4 5			
Towards defraying the expence incurred by the Office of His Majesty's Ordnance, on account of the late armament — — —	151000 0 0			
		657078 18 10	500000 0 0	157078 18 10

FORCES, &c.

For defraying the charge of 17,013 effective men for guards, garrisons, and other His Majesty's land forces, in Great Britain, Jersey, and Guernsey, including the charge of the pay of commission and non-commissioned officers and private men, the charge of cloathing non-commissioned

	£.	s.	d.	Sums voted or granted.	Sums paid.	Remains to be paid.
officers and private men, the charge of agency, and the charge of allowances to be made to Captains, Paymasters, Surgeons, Riding-masters, and for Serjeants, for the year 1791 — — —	570499	11	2$\frac{1}{2}$			
For maintaining His Majesty's forces and garrisons in the Plantations, those in garrison at Gibraltar, and a corps of foot in New South Wales, including the pay of commissioned officers, non-commissioned officers, and private men, the charge of cloathing the con-commissioned officers and private men, the charge of agency, and the charge of allowances to be made to Captains, Paymasters, Surgeons, and Serjeants, for the year 1791 —	329544	10	0			
For defraying the difference between the charge of the British and Irish establishments of seven battalions of foot serving in North America and the West Indies for 365 Days from the 25th of December 1790 to the 24th of December 1791, both days inclusive — —	8487	10	7			
For the pay necessary to be advanced to one regiment of light dragoons, and nine battalions of foot, for service in East India, for the year 1791 —— ——	11435	12	10$\frac{1}{2}$			
Towards defraying the charge of recruiting His Majesty's land forces, and of the contingencies of the said forces, for the year 1791 — ——	64500	0	0			
For defraying the charge of full pay to supernumerary officers of His Majesty's land forces, for the year 1791	15551	14	5$\frac{3}{4}$			

For the pay of the General and General Staff Officers in Great Britain, for the year 1791 —	6409	8	0
For the allowances to the Paymaster General of the Forces, to the Secretary at War, to the Commissary General of the Musters, to the Judge Advocate General, to the comptrollers of the accompts of the army, their deputies and clerks, including the contingent expences of their respective offices for the Exchequer fees to be paid by the Paymaster General and on account of poundage to be returned to the infantry of the forces for the year 1791	63276	5	8
For the reduced officers of His Majesty's land forces and marines for the year 1791 — —	155287	5	5
For the reduced officers of the late independent companies of foot for the year 1791 — —	10000	0	0
For defraying the charge of allowances to the several officers and private gentlemen of the 2 troops of horse guards reduced and to the superannuated gentlemen of the 4 troops of horse guards for the year 1791 —	212	14	7
For the reduced officers of His Majesty's British American forces for the year 1791 — — —	55092	10	0
For defraying the charge of allowances to several reduced officers of His Majesty's British American forces for the year 1791 — — —	4907	10	0
For the several officers late in the service of the States General, for the year 1791 — —	3161	10	10
For defraying the charge of pensions to be paid to the wi-			

	£.	s.	d.	Sums voted or granted.	Sums paid.	Remains to be paid.
dows of commiſſioned officers, and expences attending the ſame, for the year 1791 — —	9710	4	3			
For defraying the charge of the in and out-penſioners of Chelſea Hoſpital, and of the expences of the ſaid Hoſpital, for the year 1791. — —	174167	4	3½			
For defraying the charge of the augmentation of the corps of foot ſerving in New South Wales, from the 24th of February, 1790, to the 24th of December following	2754	5	8½			
For defraying the charge of ſubſidy which will be due to the Landgrave of Heſſe Caſſel, for the year 1791, purſuant to treaty — — —	36093	15	0			
For defraying the extraordinary expences of His Majeſty's land forces, and other ſervices, incurred from the 25th of December, 1789, to the 24th of December, 1790, and not provided for by Parliament — —	335234	18	0			
Towards defraying the charges incurred by the late armament, as far as the ſame can be made up at the War Office	64000	0	0			
Towards defraying the expence of proviſions purchaſed for the uſe of the troops in the Eaſt and Weſt Indies, in conſequence of the late armament — —	41000	0	0	1961326 10 10¾	1942803 8 3	18523 2 7
For defraying the charge of the civil eſtabliſhment of the province of Nova Scotia, from the 1ſt of January, 1791, to the 1ſt of January, 1792 —				6376 17 6	6376 17 6	—

For defraying the charge of the civil establishment of the province of New Brunswick, in America, from the 24th of June, 1791, to 24th June, 1792	4400 0 0	4400 0 0	—
For defraying the charge of the civil establishment of the island of St. John, in America, from the 1st of January, 1791, to the 1st of January, 1792	1840 0 0	1840 0 0	—
For defraying the charge of the civil establishment of the island of Cape Breton, in America, from the 24th of June, 1791, to 24th June, 1792	2100 0 0	500 0 0	1600 0 0
For defraying the charge of the salaries of the Governor and civil officers in the island of Newfoundland, from the 1st of April, 1791, to the 1st of April, 1792	1182 10 0	1182 10 0	—
For defraying the charge of the civil establishment of the Bahama islands, in addition to the salaries now paid to the public officers out of the duty fund, and other incidental charges attending the same, from the 1st of January, 1791, to the 1st of January, 1792	4180 0 0	2166 0 0	2014 0 0
For defraying the charge of the salary to the Chief Justice of the Bermuda, or Somers islands, from the 24th of June, 1791, to the 24th of June, 1792	580 0 0	—	580 0 0
For defraying the charge of the salary to the Chief Justice of the island of Dominica, from the 1st of January, 1791, to the 1st of January, 1792	600 0 0	—	600 0 0
For defraying the charge of the civil establishment of New South Wales, from the 10th of October, 1791, to the 10th of October, 1792	4758 6 3	4758 6 3¾	—
For repairing, maintaining, and supporting the British forts and settlements on the coasts of Africa	13000 0 0	13000 0 0	—
For the expences of the new roads of communication, and building bridges in the Highlands of North Britain, in the year 1791	5911 4 3	5911 4 3	—

	Sums voted or granted. £.	s.	d.	Sums paid. £.	s.	d.	Remains to be paid. £.	s.	d.
For carrying on and completing the buildings at Somerset House —	25000	0	0	10000	0	0	15000	0	0
For defraying the extraordinary expences attending the prosecution of offenders against the laws relating to the coin — —	1565	0	3	1565	0	3			
For defraying the extraordinary expences of His Majesty's mint in the year 1790 — — —	12016	18	7½	12016	18	7½			
To the representatives of Gabriel Johnston, formerly Governor of North Carolina, being an arrear of salary due to him as Governor of that province — — —	2018	19	2	2018	19	2			
To enable His Majesty to discharge the annuity granted to his late Royal Highness the Duke of Cumberland from the time it was last paid, to the day of his death — — —	1546	7	10	1546	7	10			
To make good the like sum which has been issued out of His Majesty's civil list revenues to his Royal Highness the Duke of Clarence —	34210	5	0	34210	5	0			
To make good the like sum which has been issued out of His Majesty's civil list revenues to make good a claim of the sons of the late Bey of Algiers — — —	6762	19	0	6762	19	0			
To discharge a debt for a stone mason's work, which was omitted to be inserted in the statement of the debts of his Royal Highness the Prince of Wales, previous to the 21st of May 1787 — —	3500	0	0	3500	0	0			
To make good the like sum, which has been issued by His Majesty's orders in pursuance of addresses — — —	67948	12	10	67948	12	10			
To make good to His Majesty the like sum, which has been issued in conse-									

	l.	s.	d.	l.	s.	d.
quence of the expences incurred in carrying on the prosecution against Warren Hastings, Esq. — — —	14153	3	9	14153	3	9
To make good to His Majesty the like sum issued to Thomas Cotton, Esq. for defraying the expence of allowances for the relief and benefit of American civil officers, and others, who have suffered on account of their attachment to His Majesty's Government — — —	31000	0	0	31000	0	0
To make good to His Majesty the like sum issued to Thomas Cotton, Esq. to pay the fees at the Exchequer on 49,556l. 17s. 6d. issued as a compensation to the several persons who were proprietors of lands in the province of Georgia, which by virtue of the treaty of peace, were ceded to the united States of America — — —	1271	17	0	1271	17	0
To make good to His Majesty the like sum, issued to Thomas Cotton, Esq. to pay bills of exchange, and other purposes, by direction of the commissioners of the treasury — — —	775	18	8¼	775	18	8¼
To make good to His Majesty the like sum, issued to Alexander Davison, Esq. to reimburse the charge of purchasing 500 casks of hemp seed, consigned to Lord Dorchester for the use of His Majesty's subjects in Canada —	776	16	6	776	16	6
To make good to His Majesty the like sum, issued to John Wigglesworth, Esq. to pay arrears of contingencies due to sundry persons from the office for auditing the public accounts, to the 25th March, 1791 —	4237	4	1	4237	4	1
To make good to His Majesty the like sum, which has been issued for defraying the expence of sending provisions, and sundry articles, to the settlements in New South Wales — — —	29613	1	8	29613	1	8
To make good to His Majesty the like sum, which has been issued to Duncan Campbell, Esq. for the expence of confining, maintaining, and employing convicts on the river Thames — — —	41716	10	7	41716	10	7

	Sums voted or granted. £.	s.	d.	Sums paid. £.	s.	d.	Remains to be paid. £.	s.	d.
To make good to His Majesty the like sum, which has been issued to the representatives of Henry Bradley, Esq. for the expence of maintaining and guarding convicts in the harbour of Hamoaze, at Plymouth ——	10849	1	6	10849	1	6			
To make good to His Majesty the like sum, which has been issued to the Secretary to the commissioners for regulating the shipping, and carrying slaves in British ships from the coast of Africa —— ——	500	0	0	500	0	0			
To make good to His Majesty the like sum, which has been issued to the commissioners to inquire into the state and condition of the woods, forests, and land revenues belonging to the Crown —— ——	4000	0	0	4000	0	0			
To make good to His Majesty the like sum, which has been issued to the Secretary to the commissioners appointed to inquire into the losses of the American Loyalists —— ——	3600	0	0	3600	0	0			
To make compensation to the commissioners appointed to inquire into the losses of the American Loyalists, and the clerks employed by them, voted 24,000l. but satisfied with ——	23440	0	0	23440	0	0			
To make compensation to the commissioners appointed to inquire into the rights of the persons who have suffered in consequence of the cession of East Florida to the King of Spain, and the officers and clerks employed by them, voted 5,100l. but satisfied with — —	4800	0	0	4800	0	0			
To make good the deficiency of the malt duty, granted for the service of the year 1789, at Lady Day 1791 —— ——	274956	13	11	274956	13	11			
To make good the deficiency of the land tax granted for the year 1789, at Michaelmas 1791 —— ——	218475	7	1½	218475	7	1½			

To make good the deficiency of the grants for the ſervice of the year 1790	2[illegible]7728	3	1	2 7728	3	1			
To pay off and diſcharge the principal ſum of 3,500,000l. in Exchequer bills, made out by virtue of another act 30 George III. and charged upon the firſt aids to be granted in Parliament for the ſervice of the year 1791, together with the intereſt and charges attending the ſame	3616295	5	5¼	3616295	5	5¼			
To pay off and diſcharge the principal ſum of 2,000,000l. in Rxchequer bills, made out by virtue of one other act 30 George III. and charged further upon the firſt aids to be granted in Parliament for the ſervice of the year 1791, together with the intereſt and charges attending the ſame	2066818	6	8	2066818	6	8			
To pay off and diſcharge the principal ſum of 1,000,000l. in Exchequer bills, made out by virtue of au act 30 George III. for the uſes and purpoſes therein mentioned, and charged upon the firſt aids to be granted in the next ſeſſion of Parliament, together with the intereſts and charges attending the ſame	1029425	4	2	1029425	4	2			
For payment of ſuch part of the principal and intereſt thereon, to the 10th of October, 1791, on all orders made out purſuant to an act 28 George III. for giving relief to ſuch perſons as have ſuffered in their rights and properties during the l.te unhappy diſſentions in America, and for making compenſation to ſuch perſons as have ſuffered by the ceſſion of Eaſt Florida to the King of Spain	231533	8	7¼	228238	11	7¾	3294	16	11½
For payment of ſuch part of the principal and intereſt thereon, to the 10th of October, 1791, on all orders made out purſuant to an act 30 George III. for giving relief to ſuch perſons as have ſuffered in their rights and properties during the late unhappy diſſentions in America, and for making compenſation to ſuch perſons as have ſuffered by the ceſſion of Eaſt Florida to the King of Spain	92590	17	6	86079	14	2¾	6511	3	3¼

	Sums voted or granted.			Sums paid.			Remains to be paid.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
For rewards to the officers of the Exchequer for paying the faid orders of the 28 and 29 George III.	1180	16	0	1180	16	0			
To the ufher of the Exchequer, for neceffaries furnifhed the faid offices for paying the faid orders	860	15	3¾	860	15	3¾			
To the chief cafhier of the Governor and Company of the Bank of England, for the deficiency on which the Bank loan, in confequence of unclaimed dividends, is founded by an act 31 George III.	123260	19	3	123260	19	3			
To John Farhill, Efq. Secretary to the commiffioners for the reduction of the national debt, for falaries of the officers, and incidental expences of the faid commiffion	1399	7	0	654	19	0	744	8	0
To the Governor and Company of the Bank of England, to be by them diftributed and paid to, and amongft the proprietors of the feveral fortunate tickets in the lottery, eftablifhed by an act 31 George III.	500000	0	0	—			500000	0	0
To the faid Governor and Company, in reward for receiving the contributions, and paying the prizes in the faid lottery, and for difcount on prompt payments	1441	9	5	—			1441	9	5
For the charges and expences attending the preparing and drawing the faid lottery; and for taking in tickets, and delivering out certificates in lieu thereof	12000	0	0	1500	0	0	10500	0	0
	15314599	11	1	14111349	5	3	1203250	5	10

	l.	s.	d.	l.	s.	d.
Towards satisfying the Services,						
There remains in the Exchequer of the consolidated fund	316881	1	5¼			
Of lottery contributions	409378	6	4¼			
To be raised by Exchequer bills on credit of the malt duty	40000	0	0			
				766259	7	9½
Deficiency of ways and means to answer the services				436990	18	0½
Memorandum,						
The arrears of former supplies remaining unpaid, for which money is provided, are as follow, viz.						
For the late African Company's creditors				900	12	10
For Georgia bills residue of 15,496l. 19s. 1¾d.				570	17	7½
To make good the deficiency of the duty of 4 and ½ per cent. granted anno 1785				816	13	5½
To complete 600l. granted anno 1788, for the salary of the Chief Justice of Dominica				388	10	6
To complete 600l. granted anno 1789, for the salary of Ditto				87	18	11
To pay principal and interest of orders made out pursuant to an act 28 Geo. III for relief of American sufferers, and persons who have suffered by the cession of East Florida, and charges upon the supplies, anno 1789				2608	6	10½
To pay Ditto of orders made out pursuant to the said act, and charged on supplies, anno 1790				2201	16	11¾
To pay Ditto of orders made out pursuant to an act 30 Geo. III. and charged on ditto				9806	0	2¼
				17380	17	5

WAYS and MEANS for anſwering the ſame, viz.

	£.	s.	d.
By 4s. per lib. on land — — —	2000000	0	0
By the duty on malt, continued anno 1791 — —	750000	0	0
Surplus of the conſolidated fund on the 5th day of April, 1791 — —	303221	9	0½
Out of the monies of the ſurplus of the ſaid conſolidated fund, after the ſaid 5th of April, 1791 —	1300000	0	0
Further out of the monies ariſing of the ſurplus of the ſaid conſolidated fund — —	2375000	0	0
By a lottery — —	806250	0	0
By Exchequer bills, charged on the firſt aids granted for the ſervice of the year 1792 —	3500000	0	0
By Exchequer bills, charged further on ditto — —	2000000	0	0
By Exchequer bills, charged on ſundry taxes granted anno 1791 — —	1833000	0	0
Remaining in the Exchequer of the money ſet apart for bounties on hemp and flax in England —	10137	4	0
	14877608	13	0½
Deficiency of Ways and Means —	436990	18	0½
	15314599	11	1

Preſented 8th Day of February, 1792, by

W. SPEER.

An Abstract of the Number of Vessels, with the Amount of their Tonnage, that have cleared out from the Ports of LONDON, BRISTOL, and LIVERPOOL, to the Coast of AFRICA, for the Purpose of purchasing SLAVES, in the Three Years preceding the 5th of January, 1792.

PORTS.	1789.		1790.		1791.		TOTAL.	
	Ships.	Tons.	Ships.	Tons.	Ships.	Tons.	Ships.	Tons.
London -	9	1738	15	3097	25	3943	49	8778
Bristol -	15	2691	27	4968	22	4069	64	11728
Liverpool -	61	11081	94	18260	97	18614	252	47955
Totals -	85	15510	136	26325	144	26626	365	68461

AVERAGE of the Three Years, viz.

London — —	16	2926
Bristol — — —	22	3909
Liverpool — —	84	15985
Total Average —	122	22820

24th May, 1792.

J. DALLEY,
Assistant to the Register
General of Shipping.

An Abstract of the Number of Vessels, with the Amount of their Tonnage, that have cleared out from the Ports of LONDON, BRISTOL, and LIVERPOOL, to the Coast of AFRICA, for the Purpose of purchasing SLAVES, from 5th January, 1792, to 4th May, 1792.

	Ships.	Tons.
London — —	8	1569
Bristol — —	11	2180
Liverpool —	39	7446
Total —	58	11195

24th May, 1792.

J. DALLEY,
Assistant to the Register Gen. of Shipping.

An ACCOUNT of the Number of SLAVES which have been imported from AFRICA into the British West-India Islands, between the 5th January, 1789, and the 5th January, 1792, distinguishing each Year: and of the Number retained in the British West-India Islands, and the Number re-exported thence to the Settlements of Foreign Powers.

	1789.			1790.			1791.		
	Imported.	Exported.	Retained.	Imported.	Exported.	Retained.	Imported.	Exported.	Retained.
Antigua -	311	140	171	—	—	—	268	—	268
Barbadoes -	444	399	45	126	72	54	382	100	282
Dominica -	3312	2357	955	2142	1690	452	2352	2099	253
Grenada - -	6490	3440	3050	3921	3143	778	9373	6362	3011
Jamaica -	9898	2030	7868	14054	1970	12094	15293	2915	12378
Montserrat -	—	—	—	—	1				
St. Kitt's -	67	332	—	—	—	—	62	—	62
St. Vincent's	903	58	845	1552	611	941	4029	1346	
Tortola - -	—	—	—	—	—	—	—	44	
Bahama -	—	—	—	—	—	—	64	—	64
Total -	21425	8756	12669	21805	7487	14318	31823	12866	18957

Inspector General's Office,
Custom House, London, 10th May, 1792.

THOMAS IRVING,
Inspector General of the Imports and Exports of Great Britain and the British Colonies.

Abstract State of the Newfoundland Fishery, from the Year 1699 to 1791, taken from the Returns of the Admirals who commanded on that Station.

AVERAGE of YEARS.	Number of Ships.	Burden of Ships.	Number of Men belonging to the Ships.	Number of Passengers	Number of Boats.	Quintals of Fish made.	Quintals of Fish carried to Market.	Tierces of Salmon carried to Market.	Tons of Train Oil made.	Number of Inhabitants remaining in the country in winter.
1699, 1700, 1701 - -	192	7991	4026	—	1314	216320	154370	—	1049	3506
1714, 1715, 1716 - -	161	3998	2119	—	982	730	102363	—	891	3501
1749, 1750, 1751 - -	288	33512	4108	3149	1370	432318	422116	1308	2532	5855
1764, 5, 6, 7, 8, 9 1770, 1, 2, 3, 4 -	516	40691	5435	6441	2163	626276	524296	5146	2882	12340
1784, 5, 6, 7, 8, 9 1790, 1 - -	478	49273	4475	4662	2271	641915	643321	2770	2398	15141

Office of the Committee of Privy Council for Trade,
Whitehall, 2d April, 1792.

A true Copy, taken from the Admirals
Returns in this Office.
GEO. CHALMERS, C. C. C. T.

An ACCOUNT of the Number of Veſſels, with the Amount of their Tonnage, their Names, the Port to which they belong, and the Names of the reſpective Owners of each, that have cleared out from the Ports of London and Briſtol, to the Coaſt of Africa, for the Purpoſe of purchaſing Slaves, from the 5th of January, 1792, to the 4th of May, 1792.

Year	Ships' Names.	No. of Tons.	Ports to which they belong.	Names of the reſpective Owners of each.
	LONDON.			
1792	Fly	44	London	William Ramſay.
	Hero	349	Ditto	William Hammond, junior, and Francis Robſon.
	Spy	334	Ditto	Richard Miles, Jerome Bernard Weuves, and Thomas Wilſon.
	Africa	90	Ditto	Thomas Sharpleſs, and Robert Heatley.
	London	240	Ditto	Charles Herries, Joſeph Nailor, and James Drummond.
	Mentor	136	Ditto	William Littleton.
	Thomas	174	Ditto	Samuel Farmer.
	Iris	202	Ditto	Richard Miles, and Jerome Bernard Weuves.
Total	8 Ships.	1569		
	BRISTOL.			
1792	African Queen	277	Briſtol	James Rogers.
	Royal Charlotte	78	Ditto	Robert Hunter, Mungo Wright, and Henry Keowen Hunter.
	Morning Star	74	Ditto	James Rogers, William Stewart, and Thomas Walker.
	Recovery	189	Ditto	John Gordon, junior, James Rogers, Walter Jacks, and William Gordon.
	Langriſhe	266	Ditto	Patrick Fitz Henry, and James Rogers.
	Mermaid	96	Ditto	James Rogers.
	Fame	119	Ditto	James Rogers, Sir James Laroche, Bart., Rich. Fydell, and Thos. Walker.
	Alfred	199	Ditto	James Jones, Thos Deane, Rich. Stratton, Thos. Rigge, and Edw. Watkins.
	General Orde	148	Ditto	Walter Jacks, and Benjamin Sandford.
	Betſey	194	Ditto	Henry Keowen Hunter, and Robert Hunter.
	Hector	540	Ditto	John Anderſon, Thomas Deane, James Harvey, and Thomas Rigge.
Total	11 Ships.	2180		

THE HISTORY OF THE PROCEEDINGS AND DEBATES OF THE HOUSE OF LORDS,

In the SECOND SESSION of the Seventeenth Parliament of GREAT BRITAIN,

Appointed to be holden at WESTMINSTER,

On THURSDAY the 25th of NOVEMBER, 1790.

Tuesday, 31st January, 1792.

THIS being the day appointed for the meeting of Parliament, His Majesty went down in State to the House of Lords; and being seated on the throne, a message was sent to the Commons, and they came up to the bar.

His Majesty then delivered a speech, from a paper which he held in his hand. [See Commons Debates, Vol. XXXI. p. 2.]

The King and Commons having retired,

Lord Gage, the Earl of Morton (on his new creation as Baron Douglas), the Bishop of Durham, and the Bishop of Carlisle, took the oaths, and were introduced with the usual ceremonies.

The LORD CHANCELLOR then called the attention of their Lordships to the King's speech; and the same being read twice,

An ACCOUNT of the Number of Veffels, with the Amount of their Tonnage, their Names, the Port to which they belong, and the Names of the refpective Owners of each, that have cleared out from the Ports of London and Briftol, to the Coaft of Africa, for the Purpofe of purchafing Slaves, from the 5th of January, 1792, to the 4th of May, 1792.

Year	Ships' Names.	No. of Tons.	Ports to which they belong.	Names of the refpective Owners of each.
	LONDON.			
1792	Fly	44	London	William Ramfay.
	Hero	349	Ditto	William Hammond, junior, and Francis Robfon.
	Spy	334	Ditto	Richard Miles, Jerome Bernard Weuves, and Thomas Wilfon.
	Africa	90	Ditto	Thomas Sharplefs, and Robert Heatley.
	London	240	Ditto	Charles Herries, Jofeph Nailor, and James Drummond.
	Mentor	136	Ditto	William Littleton.
	Thomas	174	Ditto	Samuel Farmer.
	Iris	202	Ditto	Richard Miles, and Jerome Bernard Weuves.
Total	8 Ships.	1569		
	BRISTOL.			
1792	African Queen	277	Briftol	James Rogers.
	Royal Charlotte	78	Ditto	Robert Hunter, Mungo Wright, and Henry Keowen Hunter.
	Morning Star	74	Ditto	James Rogers, William Stewart, and Thomas Walker.
	Recovery	189	Ditto	John Gordon, junior, James Rogers, Walter Jacks, and William Gordon.
	Langrifhe	266	Ditto	Patrick Fitz Henry, and James Rogers.
	Mermaid	96	Ditto	James Rogers.
	Fame	119	Ditto	James Rogers, Sir James Laroche, Bart., Rich. Fydell, and Thos. Walker.
	Alfred	199	Ditto	James Jones, Thos Deane, Rich. Stratton, Thos. Rigge, and Edw. Watkins.
	General Orde	148	Ditto	Walter Jacks, and Benjamin Sandford.
	Betfey	194	Ditto	Henry Keowen Hunter, and Robert Hunter.
	Hector	540	Ditto	John Anderfon, Thomas Deane, James Harvey, and Thomas Rigge.
Total	11 Ships.	2180		

THE

HISTORY

OF THE

PROCEEDINGS AND DEBATES

OF THE

HOUSE OF LORDS,

In the SECOND SESSION of the

Seventeenth Parliament of GREAT BRITAIN,

Appointed to be holden at WESTMINSTER,

On THURSDAY the 25th of NOVEMBER, 1790.

Tuesday, 31st January, 1792.

THIS being the day appointed for the meeting of Parliament, His Majesty went down in State to the House of Lords; and being seated on the throne, a message was sent to the Commons, and they came up to the bar.

His Majesty then delivered a speech, from a paper which he held in his hand. [See Commons Debates, Vol. XXXI. p. 2.]

The King and Commons having retired,

Lord Gage, the Earl of Morton (on his new creation as Baron Douglas), the Bishop of Durham, and the Bishop of Carlisle, took the oaths, and were introduced with the usual ceremonies.

The LORD CHANCELLOR then called the attention of their Lordships to the King's speech; and the same being read twice,

The Earl of CHESTERFIELD rose. It is with peculiar pleasure that I rise to move your Lordships, that an humble address be presented to His Majesty on his most gracious speech from the throne. It is not, I am sure, necessary for me to take up a minute of your Lordships' time, in stating any arguments to persuade you to agree with me in this proper return of gratitude, for the expressions of love and attachment to the constitution, of kindness and regard for his subjects, of consolation and pride to us all, which His Majesty's speech contains. It speaks to every bosom, and I am sure, that I shall have the concurrence of every noble Lord in the address which I shall have the honour to propose; the first part of which will be to felicitate His Majesty on the happy marriage of his Royal Highness the Duke of York, with a Princess of the illustrious House of Prussia, by which not only we have the prospect of securing to the nation the blessings derived from the Royal Family, but farther to strengthen the advantageous alliance which subsists between this country and Prussia. That we shall chearfully concur with His Majesty in making a suitable provision for their establishment, is a disposition in which I am sensible there will not be one dissenting voice.

His Majesty is graciously pleased to inform us that his mediation has happily restored peace between the Emperor and the Porte, and that preliminary articles are agreed upon between the Empress and the Porte. I will not detain your Lordships for one moment on this subject—The preservation of the balance of power in Europe, is obviously so important to its permanent tranquillity, and to the commerce and prosperity of England, that we have the utmost reason to be grateful for the interest which His Majesty has taken, and for the success of his mediation. It must also be gratifying to us, to know that through our means the Porte certainly gained better conditions than they otherwise would have done. I understand that all the papers relating to this subject will be laid before your Lordships, by which you will be able to satisfy yourselves on the wisdom and propriety of the measures devised by His Majesty.

The successes of our arms in India, through the bravery and exertion of our officers, and the conduct of Earl Cornwallis, are a proper subject for congratulation, and we most heartily join with His Majesty in expressing our hopes, that these successes will soon bring the war to a happy conclusion.

It must be truly gratifying to every one of your Lordships to hear the assurances which His Majesty has received from neighbouring Powers, by which we may be able with safety to make reductions in our expence, and still more so, that the wonderful and enormous increase in our revenues will enable us to ease the people of a part of their burdens, and to reduce the rate of some of the redeemable annuities. These advantages, naturally flowing from the happy constitution under which we live, must make us eager to approach the foot of the Throne with assurances that we will invariably study to maintain inviolate what has contributed so essentially to our happiness. I conclude, therefore, with moving an address expressive of those sentiments.

Most gracious Sovereign,

We, your Majesty's most dutiful and loyal subjects, the Lords spiritual and temporal, in Parliament assembled, beg leave to return your Majesty our humble thanks for your Majesty's most gracious speech from the throne.

Permit us to express to your Majesty, that deeply sensible of the many blessings which we enjoy under your Majesty's auspicious reign, we eagerly embrace the first opportunity to offer to your Majesty our dutiful congratulations on the happy event of the marriage of his Royal Highness the Duke of York *with the Princess Royal of* Prussia*; and we beg leave to assure your Majesty of the sincere and heartfelt satisfaction which we derive from every circumstance that adds to your Majesty's domestic happiness, and affords us a fresh security for the continuance of the Government of these kingdoms in your Majesty's illustrious line. Strongly impressed with these sentiments, we shall, with the greatest chearfulness, concur in the necessary measures for making a suitable provision for the establishment of their Royal Highnesses.*

We feel great satisfaction in learning that the war between the Emperor and the Ottoman Porte *has, under the mediation of your Majesty and your allies, been terminated by a definitive treaty, on such principles as appear to your Majesty the best calculated to prevent future disputes between those powers; and that a progress has been made towards a pacification between the Empress of* Russia *and the* Porte.

We return your Majesty our sincere thanks for your condescension and goodness in the communication of a copy of the definitive

treaty between Auſtria *and the* Porte, *and of thoſe papers reſpecting the negociation with the Court of* Peterſburgh, *which your Majeſty has been graciouſly pleaſed to direct to be laid before us.*

We join with your Majeſty in regretting the continuance of the war in India; *but we have ſeen with great ſatisfaction the ſucceſs which has already attended the bravery and exertions of the officers and troops under the able conduct of Lord* Cornwallis; *and we truſt the war will by their efforts ſpeedily be brought to an honourable concluſion.*

We learn with peculiar ſatisfaction that the friendly aſſurances which your Majeſty receives from foreign Powers, and the general ſtate of affairs in Europe, *appear to your Majeſty to propromiſe a continuance of our preſent tranquillity*; *and we acknowledge your Majeſty's paternal goodneſs manifeſted in your deſire to embrace every opportunity for diminiſhing the public expence by ſuch reduction of the eſtabliſhment as may be found to be practicable and expedient.*

Every circumſtance in our preſent ſituation muſt lead us to reflect, with the deepeſt gratitude, on your Majeſty's unremitting anxiety for the welfare of your people; and muſt confirm and ſtrengthen in the minds of all your Majeſty's ſubjects, our ſteady and zealous attachment to that conſtitution which we found by long experience to unite the ineſtimable bleſſings of liberty and order, and which we conſider as being, under the favour of Providence, the principal ſource of all our preſent advantages.

The addreſs, as moved, was read by the Lord Chancellor.

Lord MULGRAVE. I beg leave, my Lords, to ſecond the motion of the noble Earl. His Lordſhip has with ſo much ability ſtated the arguments which forcibly call on us to agree with him in carrying up to the Throne our acknowledgements, that it is not neceſſary for me to ſay one word in addition; but if any arguments ſhould be advanced againſt the propriety of this addreſs, I ſhall beg leave again to trouble you. There is no part of His Majeſty's ſpeech which calls upon us more forcibly for our felicitation than the happy marriage of the Duke of York to the Princeſs Royal of Pruſſia.—Every acceſſion to the happineſs of the Royal Family, and

which promiſes the continuance of the Crown of theſe realms in the Houſe of Brunſwick, is a ſubject of national joy, and I am led naturally from this to the concluding expreſſion of the noble Earl's motion, that the experience which we have derived of the bleſſings of that conſtitution under the happy auſpices of His Majeſty, ought to make us truly animated in the ſupport of it; and I am ſenſible that your Lordſhips will be unanimous in carrying up your aſſurances of invariable attachment to that conſtitution, from which ſingly we have derived all our proſperity.

Viſcount STORMONT. I do not riſe to oppoſe the motion for an addreſs. No noble Lord can be more ſolicitous than myſelf, on all occaſions, to expreſs to His Majeſty, the ſentiments of loyalty, gratitude, and acknowledgements for the bleſſings which we enjoy under his happy reign, than myſelf. I do not conſider the firſt day of the ſeſſion as a day for buſineſs, properly ſo called; and my agreeing to thank His Majeſty for his gracious ſpeech, does not, by the uſage of Parliament, bind me either to the ſupport, or the approbation of the meaſures on which it touches. So thinking, I riſe only to trouble you with a word or two on what has fallen from the noble mover. His Lordſhips ſays, that all the papers relative to the mediation between the Porte and Ruſſia will be laid before us. If the noble Earl ſays this from perſonal information, I am ſatisfied, for then we ſhall be able to come fairly to the diſcuſſion of this truly intereſting topic. My Lords, I am no advocate for an indiſcriminate diſcloſure of papers. I deſire no papers to be communicated which may be inconvenient to the public intereſt; but I wiſh it to be underſtood, that in the caſe of our mediation here, all the papers ought to be ſubmitted to us—and if they all are, that is, all the memorials, and, as they are technically called, offices, which paſſed between the Courts, including the Court of Denmark, from the 1ſt of October 1790—I pledge myſelf to prove, that ſo far from having merit for protecting the Porte, and for procuring better terms than they would have gained otherways, Miniſters, if they have any merit at all, have merit for having done nothing—for having abandoned all the plans which they had formed, and which they unwiſely

announced laſt ſeſſion: I promiſe to prove, that ſo far from accompliſhing a peace on the baſis of the *ſtatus quo*, they yielded to the demands of the Empreſs, as made before their interference.

From the terms of the addreſs, it would ſeem as if to our interference was to be attributed the conditions which the Porte had received. If this is intended to be conveyed, I diſpute the fact. My information may be defective—but I have reaſon to believe that the laſt memorial preſented at Peterſburgh by our Court was on the 22d of July, and on the 9th of Auguſt the preliminaries were ſigned; there was an interval of twenty days. Now, I take upon me to ſay that it was not poſſible for the ſwifteſt poſſible courier to carry that memorial firſt from Peterſburgh to Conſtantinople, and afterwards from thence to Siſtove, ſo that that memorial could have had any influence in producing the preliminaries. The truth is—it had none whatever. The Porte found out the true character of their mediator—too late, unfortunately, to ſave the effuſion of blood—too late to ſave themſelves from enormous expence—but time enough to ſave themſelves from utter ruin; they found that they were deluded and enſnared, that the power which affected to mediate for them had neither ability to protect them, nor influence, nor diſpoſition, and they found it wiſe and neceſſary for them to accept of the terms originally held out by the Empreſs. This I believe to be the caſe, but I ſuſpend what I ſhall have to offer on the ſubject till the promiſed papers before us be produced. In like manner I ſhall not ſay a word on the ſubject of India. I am much pleaſed to hear that we have had ſucceſſes in that quarter of the world. It would, however, have been well if Miniſters had thought it adviſeable to give us an abſtract of thoſe ſucceſſes. I have read every Gazette which has been publiſhed, which, I ſuppoſe, they call the only authentic fountain of intelligence, and as yet I have not ſeen one ſyllable in the ſhape of ſucceſs.

Before I ſit down, I will trouble your Lordſhips with a few words upon a ſubject on which the noble ſeconder, (Lord Mulgrave) has enlarged, with great propriety and eloquence. He has made a fine eulogium of our conſtitution. Upon that

subject, my Lords, there can be no difference of opinion among us. We have all an èqual sense of the blessings we enjoy, an equal desire to transmit those blessings inviolate to our latest posterity. I am certainly far from having that comprehensive knowledge of the constitution, which many of your Lordships possess; but I do not think myself totally unacquainted with the general principles, the general outline; neither have I wanted or neglected the means of comparison with other forms of Government, ancient and modern. The result of that comparison has been this fixt opinion, that the constitution of this country, as settled and secured, but by no means created, at the revolution, for that is a most erroneous idea) is the best and most perfect system of civil liberty that ever was enjoyed by man; combined with that vigour and energy of executive Government, which is absolutely necessary to uphold and maintain the whole. I have never, my Lords, been a great reader of political pamphlets. The bent of my mind has directed my leisure, when I happened to have leisure, to other pursuits. But the pamphlets which were still in vogue when I came into the world, and which I occasionally perused, all vied with each other in extolling the excellence of our constitution. Lord Bolingbroke never is more eloquent than upon that theme. I remember, that in one of his papers, in which he strongly recommends the study of the constitution, he expresses himself to this effect—View it again and again, render it familiar to the mind's eye, contemplate the lovely object in all its parts, till you become enamoured of its beauty; and then applies to what he very properly calls the noblest effort of human wisdom, what Plato, as quoted by Tully, says of wisdom herself; *Qam illa ardentes amores excitaret sui si videretur.* There are, I am told, some late pamphlets of a very different cast; the authors of which, as I am informed, for I speak from report, aspire to fame by attempting to ridicule that which has so long been the object of admiration and reverence, and who endeavour to lessen in our estimation the value of the blessings we enjoy. Whatever be the causes that lead to such singularity of opinion, or to that affectation of singularity which is one of the commonest shapes that paultry vanity assumes, and whatever mischief there may be in such publications, I am not apprehensive that the contagion will spread far, or taint the na-

tion at large. The people of this country are a ferious, fober-minded people at bottom, and there is a vein of folid found good fenfe that runs through the general mafs, beyond that of any country which it has been my lot to fee. They will not be led to think difrefpectfully of what they have fo long looked up to with reverence and veneration, much lefs will they be induced to hazard bleffings fo long enjoyed, and fo effectually fecured to them, which nothing but their own folly can throw away. I therefore, my Lords, do not apprehend any real danger to the conftitution. But of this I am fure, if any fuch danger fhall arife, there will be in Parliament but one heart, one voice, one mind. The only conteft, then, will be, who fhall teftify the moft ardent zeal in the defence of that which is equally dear to all, who fhall ftand foremoft in the glorious caufe.

The Earl of CHESTERFIELD. The noble Vifcount, from a mere expreffion of mine, too loofe perhaps, has made an obfervation which calls on me for a reply. When I faid that all the papers would be laid before your Lordfhips, on the fubject of Ruffia, I clearly meant only the papers ftated by His Majefty. I have no communication to juftify me in faying precifely what papers will be laid before the Houfe.

Lord GRENVILLE. It will not be fuppofed, my Lords, that I rife to provoke hoftility in the noble Vifcount, by contefting any affertion which he has made on the fubject of Ruffia this day. The proper time will be undoubtedly when the papers are on the table. But the patriotic and manly manner in which the noble Lord has declared his fentiments on the fubject of the conftitution, demands my cordial approbation. The noble Vifcount has proved, that however we may differ on particular meafures—amidft all the jars and diffonance of parties, we are unanimous in principle. There is a perfect and entire confent in the love and maintenance of the conftitution as happily fubfifting. It muft undoubtedly give concern to your Lordfhips to find that the time is come, when there is propriety in thefe expreffions of regard to the conftitution; and that there are men who diffeminate doctrines hoftile to the genuine fpirit of our well-balanced fyftem. I agree with the noble Vifcount, that they have not much fuccefs—

I am convinced that there is no danger to be apprehended from their attempts; but it is truly important and consolatory to know that if ever there should arise a serious alarm, there is but one spirit—one sense—and one determination in this House, and that carrying up, as we do, an unanimous assurance to the Throne, of our inviolable attachment to the constitution, His Majesty will know that he has in us united defenders of it in the hour of danger. I thought this short observation due in acknowledgement for the very manly declaration of the noble Viscount. In regard to what the noble Lord has said on the subject of Russia, I must take the liberty to dissent entirely from his conclusions, and at the proper time I shall certainly be ready to meet the noble Lord.

The address was then agreed to *nemine dissentiente.*

A Committee was formed to prepare the address. It was reported. And the Lords with white staves ordered to take His Majesty's pleasure when he will be waited upon with the same at St, James's Palace.

The House adjourned.

Wednesday, 1st February.

As soon as the Lord Chancellor had taken the woolsack, the Lord Steward of the Household rose and acquainted the House, that His Majesty had been waited upon, pursuant to order, and had been pleased to appoint this day, (yesterday) at half past two o'clock, to receive the humble address of that right honourable House.

The House then adjourned, in order to proceed in state to St. James's.

The House adjourned.

Tuesday, 7th February.

The Duke of DORSET reported to the House, His Majesty's answer to their Lordships' address.

My Lords,

I thank you for this very dutiful and loyal address. The expressions of your affection towards my person and family, and of your zealous attachment to that constitution, from which we de-

rive so many advantages, are peculiarly acceptable to me. And I receive with great pleasure your congratulations on the marriage of my son, the Duke of York, *with the eldest daughter of my good brother and ally, the King of* Prussia, *and the assurances of your readiness to concur in making a suitable provision for their establishment.*

Lord GRENVILLE laid before the House the papers allud-ed to in His Majesty's speech from the throne, relative to the peace between the Emperor and the Ottoman Porte, and the negociation with the Court of Petersburgh.

Lord Viscount STORMONT moved, that they be printed for the use of the Members.

Ordered.

The House adjourned.

Thursday, 9th February.

The House being formed into a Committee of Privileges (Lord Cathcart in the chair), to take into farther consideration the claim of Lord Castlestuart to the borough of Ochiltree; the validity of which was impeached, on the ground that the claim of that title was depending before the House, by the petitions of the Earls of Selkirk and Hopetoun.

Lord LAUDERDALE expressed his concern at the absence of the noble Lord who was wont to preside upon the woolsack, and upon that account wished the farther consideration of this cause to be postponed to a future day. He stated as a precedent, that this very claim was put off at the close of the last session, through the indisposition of the Chancellor.

Lord STORMONT said, this was a claim so involved in obscurity, so perplexed with law, and so intimately connected with the preceding matter, that he did not think it possible to proceed, without the assistance of the noble Peer, whose unremitted attention, keen discernment, and consummate abilities, had justly entitled him to preside at the discussion of this important question. He would therefore intreat their Lordships to postpone the claim of Lord Castlestuart until the recovery of their Speaker, and, in the interval, to proceed to the next that stood upon the list.

Lord GRENVILLE was ready to allow what had been ſtated relative to the importance of the ſubject, and the eulogium that had been beſtowed upon the noble Lord who preſided in that Houſe; but ſaw no occaſion to delay the proceedings on account of the abſence of any perſon, however exalted his rank, or conſpicuous his mental endowments or profeſſional acquiſitions. It was a topic of the utmoſt importance; and he truſted their Lordſhips would reflect, that the Britiſh Peerage was at this moment incomplete. The kingdom of Scotland, inſtead of being repreſented by ſixteen Peers, according to the act of Union, was repreſented only by thirteen; which deficiency was to be imputed to the delay already incurred by the unprecedented mode of trying the validity of the electors; ſuch conduct was inconſiſtent with the dignity of the Houſe, and highly derogatory to the intereſt of Scotland.

Lord LOUGHBOROUGH declared, that no perſon regretted the unavoidable procraſtination that had already occurred in the diſcuſſion of a queſtion which involved in its iſſue the privilege of the claimant to ſit in the Britiſh Houſe of Peers. A queſtion of ſuch magnitude ought not to be preſſed in the abſence of that noble Lord, whoſe attendance had been ſo conſtant in the preceding part of the buſineſs, and whoſe ſagacity had developed points ſo intricate and involved in the myſtery of law. He confeſſed his inſufficiency did not warrant him to give an opinion on the ſubject, although he had ſtudied it with all the aſſiduity his other avocations and engagements would permit; and he was authoriſed to ſay, that the noble and very learned Judge who was delegated to preſide as their Speaker, was no leſs diffident of his competency to offer his ſentiments upon the merits of this perplexed and intricate buſineſs. He lamented the noble Lord who was wont to preſide upon the woolſack was, from the nature of his complaint, precluded from ſpecifying any definite time when their Lordſhips might be favoured with his aſſiſtance, which he conſidered of infinite importance in the deciſion of the claim under conſideration.—He thought it therefore incumbent upon the Houſe to delay farther proceedings until that event took place, and in the mean time to adjourn the Committee to Thurſday next.

Lord GRENVILLE ſaid, the delay already incurred in this diſcuſſion, operated as a check to the progreſs of other buſineſs

before the Houſe; and he was moſt decidedly of opinion, that the Committee ſhould not adjourn over to-morrow.

Lord CATHCART hoped their Lordſhips would conſider, not only the time that had been conſumed, but alſo the money that had been expended by the claimants, in ſupport of their petitions; he wiſhed therefore to know, whether the Counſel were ready to proceed with the title that ſtood next upon the liſt? To which they anſwered in the negative.

The Committee was adjourned to Thurſday next.

The Houſe being reſumed, a deputation from the Commons preſented the bill for regulating the trial of controverted elections, and to amend an act paſſed in the eleventh year of his preſent Majeſty, which was read a firſt time, and ordered to be read a ſecond time to-morrow.

The Houſe adjourned.

Friday, 10th February.

The bill to enable the Commons to proceed on an impeachment without balloting for an election Committee, was read a firſt and ſecond time, and ordered to be committed for Monday.

The Houſe adjourned.

Monday, 13th February.

Two petitions for private bills were read, and referred to two Judges to report thereupon.

The Houſe adjourned.

Tueſday, 14th February.

The bill reſpecting libels was brought from the Houſe of Commons.

The Houſe adjourned.

Thurſday, 16th February.

The Houſe in a Committee of Privilege proceeded in hearing Counſel on the Scotch Peers election.

The Houſe adjourned.

Friday, 17th February.

Earl FITZWILLIAM moved, that the proper officer do lay before the Houſe, the date of the order for raiſing and impreſſing ſeamen to man the navy, and likewiſe the order for diſcharging them during the years 1790 and 1791.

Lord GRENVILLE ſaid, that he had no ojection to the motion, but the noble Peer might with a little patience obtain the ſame information from the eſtimates of the expences, which will ſhortly be preſented to the Houſe.

The motion was agreed to.

Earl FITZWILLIAM moved for an account of all the ſhips of war put into commiſſion, diſtinguiſhing their force and rate, from the month of March 1790, to the month of April 1791.

Lord GRENVILLE ſtated, that he had no objection. Ordered.

Earl FITZWILLIAM moved, " that a copy of the definitive treaty of peace between Ruſſia and the Porte, might be laid before the Houſe.

Lord GRENVILLE replied, that His Majeſty's Miniſters had not received any copies of the treaty, which were properly authenticated by the Ambaſſadors at the reſpective Courts.

Earl FITZWILLIAM ſaid, that in the courſe of the long negociation, it ſeemed highly abſurd that His Majeſty's ſervants ſhould not be acquainted with the great outlines of that peace, although the copies might not be received.

Lord GRENVILLE ſaid, the various letters and tranſcripts are not ſufficiently explanatory to give the preciſe limits and exact terms.

Earl FITZWILLIAM ſaid, then my Lords, I now begin to underſtand the noble Lords in Adminiſtration; they have been committing the nation to a tedious, a doubtful, and expenſive negociation, between two great contending powers, and now having aſſumed to themſelves the merit of it, they are totally unacquainted with the terms upon which it is concluded. The motion was then dropped.

Earl FITZWILLIAM moved, that the Houſe be ſummoned for Monday next.—Ordered.

The Houſe adjourned.

Monday, 20th February.

Lord RAWDON ſaid, previous to their Lordſhips' proceeding to the buſineſs of the day, he wiſhed to call the attention of noble Lords to a ſubject, the circumſtances of which he thought warranted his preſſing it upon their notice. It was concerning a foreign nobleman, who had been arreſted, and was now in one of our jails. He knew the juſtice and humanity of their Lordſhips would naturally be excited towards a foreigner, but more particularly when that foreigner had conducted himſelf towards the Britiſh ſoldiers who ſurrendered with Lord Cornwallis at York Town, with a liberality and humanity that did him the greateſt honour. He would take the liberty to ſtate ſhortly his caſe to their Lordſhips, and was ſure they would think it becoming their dignity to pay ſome attention to it. The Duke, as many other perſons of faſhion did, had iſſued bills to a conſiderable amount, and many forgeries, purporting to be his bills, had been made. This he neither knew nor ſuſpected, until he had paid a much greater ſum than he had iſſued bills for, ſo that he had paid ſeveral of the forged bills, while ſome of the real ones remained in circulation. From his ſituation at the time, he found it neceſſary to pay all that were preſented to him, whether forged or not, and by this he thought he had nothing to fear. He, at the ſame time, having applied to a Conrt of Juſtice here, received a verdict in his favour. However, upon his return to England, he was again arreſted upon bills for 2000l. which it was ſaid remained unpaid at Dunkirk, and this at the ſuit of a perſon who had lived in a chandler's ſhop, where he had run up a ſcore of a guinea, which he could not pay—had afterwards been two nights in a barber's ſhop for want of lodgings, and who could not produce any ſuch bills as he had made his affidavit upon, nor was there any probability of his ever having been poſſeſſed of them. From theſe extraordinary circumſtances, it appeared that there muſt be ſome conſpiracy againſt him; and that for the purpoſe of detaining him in this country, when his preſence was requiſite in France.—He was happy that a gentleman of great abilities in the other Houſe, had turned his mind to the ſubjects of arreſts upon

mesne processes. He stated many abuses, amongst others, the particular case of a woman who was confined for 25 years, and whose confinement ended only with her death, for a debt under 20l.

The order of the day was then read.

Earl FITZWILLIAM rose, and addressing himself to Lord Grenville, said he had a few questions to put to his Lordship before he opened his propositions to the House. The first was, that he requested to be informed by the noble Secretary of State whether any copy of the preliminary articles between Russia and the Porte had been officially communicated to His Majesty's Ministers.

Lord GRENVILLE thought it was irregular to put questions to any noble Lord in that way, and suggested, that if the noble Earl wished for any information, he ought to bring forward a motion.

Earl FITZWILLIAM then rose to state to their Lordships his reasons for ordering them to be summoned for this day, and his expectations that His Majesty's Ministers, by laying on the table all such papers as were materially connected with the late negociation with Russia, particularly the preliminary articles between that Court and the Porte, would have rendered it unnecessary for him to have troubled their Lordships.—As this had not been done, nor any information given to the House more than they were possessed of when the subject was debated last year, when it was held out as a question of confidence, he should think it his duty, whatever success might attend it, to move a string of resolutions, which he would not only put separately, but read to the House before he sat down. He conceived it the right of the House to be informed fully and completely, not only of what was the original cause and object of the armament, but of the progress of the negociation in all its steps.—Without this knowledge, it was impossible for them to form any judgement upon the conclusion of that negociation; and until they had it, they were free to form whatever opinions they might collect from such information as they could obtain. None that he had yet learned convinced him that our interference was at all necessary to bring about a peace, nor did the result shew that it had been at all useful. In order to put them in full possession of his intentions, he would read the first six resolutions,

which he meant to move. They contained, as their Lordſhips would perceive, a plain narrative of facts, the truth of which would not be denied; and the ſeventh was a fair, natural, and juſt concluſion drawn from the facts ſtated in the other ſix.—His Lordſhip read the following reſolutions, the firſt of which he moved.

"1. That it appears to this Houſe, that the Empreſs of Ruſ-"ſia (whoſe uncontroverted aſſertion to the Pruſſian and Bri-"tiſh Miniſters at Peterſburgh, that the Courts of Berlin and "London had acknowledged and avowed that ſhe had been "unjuſtly attacked and provoked), communicated to His Ma-"jeſty's Miniſters by her Miniſter at this Court, the Count de "Woronzow, on the 26th of May, 1790, the following as "the loweſt terms on which ſhe was ready to make peace with "her enemies:—1ſt. The re-eſtabliſhment of the treaties ſub-"ſiſting at the moment of the rupture.—2dly, The ceſſion of "the arid and uncultivated territory which extends as far as "the Dnieſter (containing nothing of importance, except the "ſingle town of Oczakow), ſo as this river may hereafter ſerve "as a frontier between Ruſſia and Turkey.

"2. That in anſwer to this communication, His Majeſ-"ty's Miniſters obſerved to the Ruſſian Miniſter, Count Wo-"ronzow, that theſe propoſitions appear little calculated to "conciliate the minds either of the King of Sweden, or of "the Porte: the ceſſion of Oczakow, with its territory, to "Ruſſia might meet with the greateſt oppoſition on the part of "the Turks, and conſequently ſerve rather to prolong than "terminate the calamities of war.

"3. That in the month of Auguſt, 1790, the King of Swe-"den concluded a peace with the Empreſs of Ruſſia, without "the intervention of Great Britain.

"4. That after the peace had been concluded with the King "of Sweden, and during the courſe of a ſucceſsful campaign, "the ſame propoſitions reſpecting terms of peace with the "Porte, as had heretofore been offered by the Empreſs of Ruſ-"ſia, were again repeated by his Swediſh Majeſty on different "occaſions, and particularly ſo on the 31ſt October, 1790, "accompanied on that occaſion by a declaration, that the con-"ditions of peace will always conſiſt of the ſame terms on her "part.

"5. That these propositions having been invariable on the "part of the Empress of Russia, from the 26th May, 1790, "a message was delivered on the 28th March last by His Ma- "jesty's Ministers, in his name, to the two Houses of Parlia- "ment.

[Here was inserted His Majesty's message.]

"6. That a great naval armament was immediately ordered "to be equipped; that subsequent to this armament a negoci- "ation was resumed by His Majesty's Minister at Petersburgh "on the 26th May 1791, for the express purpose of securing "a defensive frontier to the Turkish Empire, as a point of "the highest importance to the security and independence of "that power, and essential for the maintenance of the perma- "nent tranquillity of Europe; which negociation was con- "cluded by adopting the proposition made by the Empress on "the 26th May 1790, to His Majesty's Ministers; and not "only admitted as the basis of an accommodation, but it was "farther declared on the part of His Majesty's Minister, that "if the said terms were not accepted by the Porte within four "months, the termination of the war should be left to the course "of events.

"7. That the negociations of the British Cabinet during a "period of fourteen months from 26th May, 1790, backed "and enforced by the weight and formidable authority of a "great naval armament, equipped for that express purpose, "had no effect with respect to the interests of the Ottoman "Porte, unless that of retarding the conclusion of peace be- "tween that Power and Russia, and of extending the calami- "ties of war for two unnecessary and more destructive cam- "paigns to the Turks; nor any with respect to the interests of "Great Britain, but that of exposing the honour, hazarding "the tranquillity of the kingdom, and of cramping the ex- "tent, and endangering the safety of its commerce, by an un- "necessary and most expensive display of naval equipment, "which had no beneficial object in view, and which obtained "no national advantage whatever."

The Earl of ELGIN said, that it was with great diffidence that he addressed their Lordships for the first time, and the more so, from the particular situation in which he stood: laying aside, however, every other consideration, he would offer

his sentiments without any consideration, but what was connected with his parliamentary duty. He thought there was no necessity for the resolutions moved by the noble Earl, and was perfectly satisfied, by the papers on the table, as to the conduct, the progress, and the result of the negociation with Russia, which papers he thought completely sufficient, without any farther communication to convince their Lordships upon the question at issue. He contended for the importance of our foreign alliances, and the necessity to encourage and preserve them inviolable—a precise attention to which formed part of that laudable system, which, in his opinion, His Majesty's Ministers had followed. He called the attention of their Lordships towards the Austrian arms, which might have been employed against Turkey; a circumstance which it certainly was our business to prevent; and he maintained that a junction of the powers of Russia with the House of Austria, and aided by France against the Turks, was a circumstance which, if not checked in time, might be of very destructive consequences in the politics of Europe, and tend to overturn that balance of power which it was our undoubted interest and avowed principle to preserve. With regard to the objects of the armament, he contended, that they were proper, and worthy of the British Court; and that the means employed to obtain them were not only justifiable, but highly laudable; that they had not been attended with such complete success as Ministers could have wished, he confessed; but he ascribed that in a great measure to both the objects and the means having been misrepresented in this country; and he averred, that if the basis upon which the negociation was founded, met with a fair and impartial investigation, it would be found such a basis, as entitled it to be called prudent, wise, and solid; and if this was the case, he thought it became the House to resist the propositions of the noble Lord. On the subject of Oczakow, the freedom of navigating the Dniester, and the possession of the country between the Bog and the Dniester, his Lordship made several observations, pointing out what he considered to be the real importance of each object to this country, and to the Turks. Reviewing the politics of Europe for a considerable time back, he concluded, that it was the uniform system of Russia to pursue an acquisition of territory and of power, whenever an op-

portunity occurred; and that this ſyſtem, if not properly kept down by our interference, was of a very pernicious tendency to the Turks, to Poland, and to the general balance of power in Europe. The noble Earl had ſtated the terms which he thought were thoſe on which the Britiſh Court had inſiſted, and had aſked why Miniſters had entirely deſerted thoſe terms, and concluded a negociation, during which no one of thoſe terms had been obtained. This was with him one great cauſe for giving his approbation to Miniſters for their conduct and good ſenſe, and it clearly proved that they were determined not to make a bad uſe of the confidence given them by Parliament laſt ſeſſion. Whatever their opinions might be, or the hopes they had entertained of the ſyſtem they had laid down, yet when they found that both in and out of Parliament there was much oppoſition to that ſyſtem, they had relinquiſhed it, in hopes that they were ſerving their country, although not in the way which they meant to have done. It had been aſked, but why keep a great and expenſive armament for a conſiderable time after this general opinion of the country was known, and the Miniſters themſelves had determined to forego the execution of their plan? Now, when the object of that armament was ſeriouſly conſidered, and the ſituation of Europe at the time, he could not believe that any noble Lord in that Houſe, or wiſe man in the country, would have adviſed a diſmemberment of that force and power with which Miniſters had, with the approbation of Parliament, thought it neceſſary that the country ſhould be prepared, until the negociation, which it was intended to aid and forward, was brought to ſome concluſion or other. Beſides the different objects of the armament which had been mentioned, he ſaid, there were many other conſiderations that rendered it prudent and neceſſary not to diminiſh our ſtrength, till we could obtain the object of our wiſhes. For all which reaſons he oppoſed the reſolutions, and begged leave to move the previous queſtion:

The Earl of DARNLEY, in reply to the noble Earl who ſpoke laſt, apologiſed for preſſing himſelf upon their Lordſhips' attention, eſpecially when he reflected on his own ſituation as an inexperienced ſpeaker, and conſcious of his defects in ability and information, compared with what their Lordſhips h already witneſſed, and would, no doubt, have occaſion to

ſtill diſplayed in the courſe of that night's diſcuſſion. He diſagreed almoſt in every point from the opinion of the noble Earl, and he thought the armed negociation with Ruſſia, in place of being of the leaſt poſſible advantage to this country, was attended with circumſtances in every reſpect derogatory to the dignity, the honour, and the policy of Great Britain. He was not entitled to ſay ſo much about the general ſtate of Europe as the noble Earl; indeed he had not poſſeſſed ſuch opportunities of information. But he could not avoid reverting to the ſtate of this country at the end of the laſt war, comparatively with that in which it was now, to the general ſtate of Europe at the time this armament commenced, and then inquiring a little into the prudence and propriety of that conduct in Adminiſtration ſo much praiſed by the noble Earl, and ſo little meriting applauſe, in his opinion. He paid ſome handſome compliments to the Lord Malmeſbury, whoſe ſervices he regretted were not now called into action; and likewiſe ſpoke in very flattering terms of Mr. Ewart, the late Ambaſſador at Berlin, whoſe unremitting attention to his diplomatic duties and great exertions in public buſineſs had unfortunately occaſioned a fate which the country muſt ſincerely lament. He ſaid the ſuperiority of the Britiſh name, in the general ſcale of European politics, certainly was great, and many cauſes had concurred to produce this pre-eminence. Amongſt others, the ſituation of France was one of the ſtrongeſt, and he might ſay, without an over degree of national vanity, that we might have been ſuppoſed in a ſituation that our mediation between contending powers would have inſured ſucceſs to the objects of our wiſhes, provided our councils were guided by wiſe and able ſtateſmen; but how far this had been the caſe he heſitated to pronounce. There was certainly a time when, by our interference, we might have dictated peace between Ruſſia and the Porte upon our own terms; and how far Miniſters were entitled to approbation for letting that opportunity ſlip he could not eaſily reconcile to common ſenſe or common obſervation. Whatever might have been the motives or the objects of Adminiſtration, one fact was clear and undeniable, and that was, that no poſſible advantage could ariſe to the country from the line of conduct they had followed, and that whatever terms they negociated

for, they, in fact, had gained nothing. They had put the country to great expence, made the British policy appear ridiculous over all Europe; and having concluded their ill-advised, and worse-conducted, negociation, entered into and protracted, to be sure, with a kind of concurrence from Parliament, which concurrence proceeded entirely on confidence, and not from any information which had been given to Parliament. After all this, what had they obtained for the country — nothing — not even one of the points which at the outset of the armament they pretended to be their object. In short, instead of obtaining any thing, they had been obliged to concede terms, which they had in an haughty manner told all Europe they never would depart from — the peace between Russia and the Porte had been ultimately concluded without the least respect to the meddling interference of Great Britain. They had allowed also a treaty of peace to be concluded between Russia, Sweden, and Denmark, which, if any thing could tend to encroach upon the balance of power in Europe, must have that tendency, by uniting the maritime powers in the Baltic. When he came to notice the contents of the papers on the table, he was sorry to express his regret to the House that they shewed nothing but a violation of the dignity of Great Britain; and the manner in which they were produced and treated by Ministers he thought was equally unbecoming the dignity of their Lordships. They shewed nothing but subterfuge and evasion, imperious demands and mean retraction, on one side, he was sorry to say that of Britain; and nothing but dignity and firmness, justice and policy, on the part of Russia. He concluded by thanking their Lordships for their polite attention, and regretted his inability to express his ideas in a manner more worthy of their notice.

Lord KINNOUL said he could not sit silent on the discussion of measures of Administration which he completely condemned. Whether he considered the object of the negociation which Ministers had rested upon, and for which they had put the country to a great expence from the armament, or their conduct with the different belligerent powers, he thought them highly censurable.

This country had a right, from the high rank it stood amongst the powers of Europe, to mediate; and if a media-

tion was begun, and carried on upon ſound principles of wiſdom and enlarged policy, and ended with ſucceſs, it might tend to the national honour, and to the good of thoſe for whom it interfered: but if, as in the preſent inſtance, it was only a meddling interference, without a plea of exigency or obligation of treaty, begun in high-ſounding language, and receding from the terms it propoſed, and acceding to thoſe on which the oppoſite party advanced at the firſt, and maintained to the laſt, it only degraded the nation, and did no good either to the country itſelf, or to the other powers in queſtion.

The Turks had no reaſon to thank us, who had unfortunately liſtened to our advice, and depended on our aid and promiſes, and after two campaigns, at the expence of much blood and treaſure, was obliged to accede to terms ſhe might without that have received from the firſt.

Sweden had fortunately not truſted to us—*non tale auxilio nec defenſoribus iſtis*—and concluded alone a treaty with Ruſſia much ſooner than thoſe who had the kind interference of the mediating powers.

Ruſſia had acted on juſt grounds and moderate principles, and maintained them to the laſt: ſhe was not to be intimidated by the frowns and menaces of any power whatever.

Juſtum et tenacem propoſiti
Non vultus inſtantus tyrannis
Mente qualit ſolida.

It was right, when the exigency of the caſe required it, to arm and call forth the energy of the country; but armaments ought to be well weighed and conſidered before they were uſed, as arming and diſarming, and without action, played with the public credit of the country and the bravery of the people; and preſs warrants, though they may be juſtifiable in extreme caſes, ſhould never be uſed but on great occaſions, as ſuch only could juſtify what muſt be acknowledged an encroachment of the liberty of the People.

He was ſurpriſed to hear the noble Earl (Lord Elgin) talk of the policy of a pacific ſyſtem, when the conduct of Miniſters were juſt the reverſe to it; nor could he agree with him in the conſequence he attached to Oczakow and its territory; but if it was of that conſequence in the eyes of Miniſters, it was diſgraceful in them not to purſue their firſt meaſures, and maintain them to the laſt.

Lord Kinnoul was ſurpriſed at the noble Lord's ſpeaking of the provinces as part of the Empreſs's terms, which were given up long before an armament was thought of, and ſurpriſed he ſhould expect the Empreſs to agree to terms on the *ſtatus quo*, as the other powers had done, when ſhe ſtood in a very different predicament, being unjuſtly attacked and provoked, and; after a ſeries of four years, diſtinguiſhed on her part with great and uninterrupted ſucceſs.

Lord HAWKESBURY ſaid, the noble Earl who made the motion had only put one of his reſolutions— he had read the others; and as he conſidered the tendency of the whole was to draw a cenſure from that Houſe upon the conduct of Adminiſtration, he would treat them generally; at the ſame time convinced that there was not the leaſt ground for the cenſure which the noble Earl called for. He agreed with the noble Earl who ſpoke laſt, that a pacific ſyſtem was that which was moſt for the intereſt of Great Britain; and he ſaw nothing in the conduct of Miniſters which indicated a different opinion. Ruſſia was not ſo friendly to us as ſome noble Lords thought; of this he was ſtrongly convinced; and he would in the courſe of his ſpeech draw the attention of noble Lords to her conduct upon different occaſions, which they would readily allow was not of a friendly nature towards us. As to what had been ſaid about maritime powers, he muſt obſerve that on this very point Ruſſia owed much to Great Britain, though he could not find out a period when ſhe had ſhewn any gratitude for that or other ſervices which ſhe had received from us. He particularly ſtated the aid we gave her in the war in which ſhe was involved in 1739, and aſſerted that her maritime conſequence aroſe almoſt entirely from her connection with Britain: we had lent her officers known for their bravery and conduct to prepare and to fight her fleets; of thoſe he need only mention the late Sir Charles Knowles, and the names of Elphinſtone and Dugdale, to point out to their Lordſhips what aſſiſtance her naval ſtrength had received from us. The armed neutrality, and its effects, were in the recollection of every body. On what occaſion then were we ſo much indebted to her? Our commercial intercourſe was the next theme of admiration and eſteem with ſome people; let them conſider what it really was,

and they would find that it was deſirable and uſeful in many articles; this country gained nothing by it; on the contrary, let them examine the duties on our imports and exports in the Ruſſian trade, and he would venture to ſay, that the balance would be found three to one againſt us. There were many great and reſpectable men in the country who were of a different opinion from Adminiſtration; he would not ſay the whole country was ſo, but the general opinion being ſo avowedly different from that of His Majeſty's Miniſters, he thought they did wiſely in relinquiſhing an object which did not ſeem of ſuch eſſential importance as to riſk a war: a war in this country, when the nation was not unanimous as to the propriety of that war, was always to be avoided, and it was well known that there was a large party laſt year who ſeemed inclined to ſupport the cauſe of Ruſſia.

The Earl of GUILDFORD ſaid, he was not in the Houſe on the firſt day of the ſeſſion, when His Majeſty delivered his ſpeech from the throne. But when he was informed, that in a part of that ſpeech it was promiſed to lay all the papers relative to the negociation with the Court of Peterſburgh before the Houſe, it gave him much ſatisfaction, and in this he approved much of the conduct of Adminiſtration. It ſhewed, that they were well adviſed, and entertained a becoming reſpect for the dignity of Parliament. When the queſtion was argued laſt year, the grounds upon which they voted muſt be in the recollection of every noble Lord; thoſe grounds for agreeing were not from any information which His Majeſty's Miniſters had laid before the Houſe; for then all was involved in prudent ſilence, miniſterial diſcretion, and liberal confidence. Now, however, the caſe is altered; all this is over; the negociation is concluded; and the time is come when the country and their Lordſhips have a title to be ſatisfied as to the vote which they had given laſt year; and in thoſe papers they were to ſee all the particulars of a negociation which they had agreed to on confidence. Now it was, that they were called upon to judge of the meaſure, and to declare to the country their conviction that this year had juſtified their confidence of laſt year; on this occaſion, therefore, it ſurely became His Majeſty's Miniſters to be forward in furniſhing the Houſe with, and calling for, e[illegible]ormation that could be obtained; ſo that on an ample

interests, magnify them as much as you please, been deserted, abandoned, and sacrificed by you, the Ministers of the day. If your plan was part of a system of alliance, as we were formerly told, if it was one great link in the chain, by whose hand has that chain been broken? If the possession of Oczakow was necessary to secure the Turkish frontier, if upon that security the independence of the Ottoman empire, so essential to the general balance, so material to the general interests of Europe, and to the particular interests of this country, did depend, you, the Ministers, have disregarded all these considerations, and stand convicted, upon your own shewing, of having left the Turkish frontier in a precarious and dangerous state. If Oczakow be the key of Constantinople, you the Ministers have delivered that key into the Empress of Russia's hands.— All the mischiefs to be apprehended from Russia's obtaining her demands, the dread of her becoming a great maritime Power, her preponderance in the general scale, the effect of that preponderance upon the weight and influence of our ally the King of Prussia, the danger of invasion to Poland from this accession of strength to Russia, for so tremblingly alive [illegible] Ministers, that even to that danger did their fears extend; all these considerations, which struck their minds so forcibly in the end of March, had totally lost their effect, had disappeared and vanished, before the end of July: at that period, without any new circumstance intervening, the identical terms proposed by Russia fourteen months before, and invariably adhered to, were thought so proper, just, wise, and reasonable, that our Ministers, acting through the instruments they employed at Petersburgh, (upon those gentlemen there cannot rest any possible blame) not only withdrew all objection, but engaged to propose those terms to the Turks, and that too under this very harsh and extraordinary condition, viz. that if the Porte do not accept those terms within four months, the determination of the war is to be left solely to the course of events which it may produce.

Though this subject has been so ably handled already, I must touch upon it a little. Observe, my Lords, what these Ministers do, these protectors of the Ottoman empire. If those poor Turks, whom we have been frequently called upon to pity, if those unenlightened men, with that partiality which

all have in their own cauſe, do not abandon that which they had been taught to cheriſh, do not get rid of all the impreſſions ſo induſtriouſly given, do not in four months perceive the propriety of conceſſion, which, in more than a twelvemonth, the eagle eye of our Miniſter could not diſcover, then are they abandoned to all the events of war. The Empreſs of Ruſſia had repeatedly declared, that no ſucceſs ſhould make her riſe in her demands; but our Miniſters go out of their way, as it were, to free her from that ſtipulation; leave her to purſue the career of victory and conqueſt. She might be ſeated upon the throne of Conſtantinople; ſhe might drive the Turks out of Europe, drive them beyond Mount Taurus, proceed even to the utter annihilation of the Ottoman empire, and this country was bound by ſolemn treaty not to interfere. Such is the engagement entered into by thoſe very men, who thought the preſervation of the Turkiſh empire was ſo eſſential to the deareſt intereſts of Great Britain, that he who could conteſt that point, was a man with whom it was impoſſible to argue. After having repeatedly called upon Miniſters (who, he ſaid, had fought like Ajax in the dark, but with this difference, that the cloud was formed by themſelves) to ſtand forth in the face of day, and declare what their real aim was, and what they had obtained, he aſked, what charm there was in this Oczakow? what made it of ſuch ineſtimable value, that in order to obtain the reſtitution of it to the Turks, Miniſters could offer to guarantee to Ruſſia the Crimea, that Crimea which is confeſſedly one of the great ſources of the naval power of Ruſſia which we are taught ſo much to apprehend, that Crimea which, when ſecured to Ruſſia, as it would effectually be by our guarantee, opens to her the certain means of having a great fleet in the Black Sea; that Crimea which was ſuch a darling object to the Turks, that, ungovernable as they are, and open as it would be without Oczakow, to any ſudden invaſion of the Tartars, there is no ſaying how ſoon Ruſſia might have called upon us to make good our guarantee. This offer, made too, as I underſtand, without ſo much as demanding the reciprocity of a defenſive alliance, is clearly contrary to the policy purſued at a time when the Miniſters of this country ſaw, what indeed all Miniſters, except the preſent, have ſeen, namely, the advantage of the cloſeſt connection with Ruſſia. It is well

known to some of your Lordships, that in the beginning of this reign a defensive alliance with Russia was nearly concluded, but went off upon this point, we would not make a Turkish war the *casus fœderis*. But important as this subject is, I must leave it, as there is so much behind. I go then to a quite different point.

I charge the Ministers directly, meaning to use the most decent, but at the same time the most explicit, language I can find. I charge them with having advised the carrying on the armament, and subjecting the country to all the inconveniences inseparable from great naval preparations, after it was determined in Council that the force so prepared, should not be employed. I hasten to the proof by which I support this charge. I strongly suspect that the change of opinion in the Cabinet took place at a very early period indeed, three days after the King's message to Parliament; this I suspect, but cannot prove. I can therefore only date the change from the time when Mr. Fawkener's instructions were signed. I cannot fix the precise moment of that signature, but he set out the beginning of May. The change must have preceded his instructions, as they were founded upon it. How do you prove that? The proof is easy and irrefragable. His conduct is praised by all: I most heartily join in that praise, and have, upon all occasions, done justice to Mr. Fawkener's talents and abilities. He must then have been authorised by his instructions to make an absolute surrender of all the points for which Ministers affected to contend, because, by him and his colleague, such absolute surrender was actually made. I cannot reconcile the conduct of Ministers in this part of the business to any principle of common prudence. Was it wise to attract the eyes of all Europe, to turn them upon us, that they might behold this great nation standing with her hand upon her sword, which they who govern her had determined should not be drawn?— Do men call the world to be spectators of a combat, in which they are resolved *not* to engage? What was the object of this extraordinary mission, for which a gentleman of distinguished character and abilities was chosen? The immediate effect was to raise a general belief in Europe, (in which, however, the good men of the city, who knew Ministers, did not join) that there was at least some one point which Administration were

determined not to yield. The event was waited for with anxious impatience? What was the event? What has been the final iſſue? It is not the "*parturiunt montes,*" not even a mouſe was produced. Expectation, that had been lifted ſo high, fell at once to the ground, and the whole ended in nothing but the diſgrace of having advanced with raſhneſs to retreat with ſhame. Several noble Lords have in this debate given their ſentiments reſpecting the line of policy this country ſhould purſue with regard to foreign Powers. May I be permitted, in a very few words, to give my opinion upon that general ſubject. I am aware that my ſentiments will not agree either with the doctrine or conduct of Miniſters, but ſtill I muſt declare my opinion is, that a great nation like this ſhould not be haſty to interfere; that her interference ſhould be called forth, and juſtified by ſome great occaſion; that before ſhe engages, ſhe ſhould contemplate all the poſſible conſequences of the meaſure ſhe adopts, as far as human ſagacity and wiſdom can extend their view; that ſhe ſhould be ſlow to reſolve, but ſteady and firm to execute; that ſhe ſhould be inclined to moderation, from the very conſciouſneſs of power; that ſhe ſhould never invade the rights or dignity of others, or ſuffer an invaſion of her own; that ſhe ſhould have for herſelf and others an equal meaſure, an equal rule, and ſhould not attempt to obtrude upon any other Power conditions which, in a ſimilar caſe, ſhe would have rejected with diſdain; that, above all, ſhe ſhould never engage in hoſtile negociation, without being fully convinced that the objects ſhe contends for are of ſuch magnitude, of ſuch importance, that if they cannot be otherwiſe obtained, they muſt be purſued not only at the hazard, but at the expence of a war; for though it is certainly poſſible that a bare menace may ſucceed, yet the chance of ſuch ſucceſs is much more than compenſated, by the diſgrace that muſt attend thoſe who menace, but dare not make their threats effectual; who ſeem to court danger at a diſtance, but recede from it when it draws near. I have dwelt upon this topic much longer than I intended. I now proceed to another charge. Not only Miniſters continued to arm, when pre-determined to yield, but thoſe preparations were continued, when the Court of Peterſburgh could not but know they were not to be employed. I date this knowledge from the day on which the firſt joint me-

morial of Mr. Faulkener and Mr. Whitworth was presented. It is impossible to read that memorial, without seeing that the Empress had the game in her own hands. Some slight *adoucissemens* were proposed and asked from the Empress's goodness and generosity. Is that the language of a great nation, standing upon a great national point, and determined to maintain it by force of arms? No, my Lords, it is feigned resistance; it is the *facili savitia negat;* it is the refusal of one who will ultimately comply. Yet in this situation of things, was our armament carried on with the greatest alacrity, and our seamen pressed, as if the enemy had been at our door. I know, my Lords, that the power of pressing, though very harsh and cruel to individuals, is a necessary power, upon the exercise of which the very salvation of the country may depend; and for that very reason, I think it unpardonable to exercise such power without a national call. It is painful to think how easily all this might have been avoided, if, after Ministers had decided in Cabinet to give up the point, they had signified to the Court of Petersburgh, that the desire of restoring peace outweighing with them every other consideration, they would no longer resist the Empress's demands; half an hour's conference would have ended the whole, including the free navigation of the Dniester, to which it does not appear that the Empress ever had the smallest objection. This plain and obvious measure would have prevented much inconvenience, much expence, and what is of infinitely more importance, would have saved the national honour. If, at a much earlier period, Ministers had admitted the justice and reasonableness of the Empress's demands, which they must now admit, and had offered to propose them to the Porte, they would have acquired that honour which belongs to fair and just proceeding; they would have laid the foundation of permanent friendship, and might have prepared the way for a defensive alliance with Russia; an alliance which, in all former times, the wisest men of both countries have considered as essential to the interests of both. That different ideas now prevail, the very intemperate, and, as I think, indecent language used by Ministers, in speaking of the Empress of Russia, but too evidently shews. However unfashionable the opinion may be, I mean unfashionable in the Cabinet, for there alone it is so, I am not afraid to call Russia the natural ally of Great

Britain, even at the hazard of again provoking a ſmile. When I call England and Ruſſia natural allies, my meaning is, that they have many common ties, and not even one jarring intereſt that I can diſcover. Though I have detained the Houſe ſo long, I cannot ſit down, without taking ſome notice of the merit the noble Secretary of State ſeemed to claim for himſelf, and his colleagues, for having yielded to public opinion, and relinquiſhed meaſures they thought right, with the full conviction of their rectitude and wiſdom operating on their minds, at the very moment of the change. I beg your Lordſhips to remember, how immediately that change took place after the ſenſe of both Houſes of Parliament had been expreſſed by a great majority. I contend, my Lords, that the voice of the nation is here and in the other Houſe of Parliament. It is Parliament, my Lords, that is the legal organ of the national voice; and therefore, who looks for the ſentiments of the nation, muſt in the firſt inſtance look for them there, where the conſtitution has told him they are to be found. If Miniſters mean to ſay that the conduct and arguments of thoſe, who ſo ſtrenuouſly oppoſed this meaſure, had weight with them, I, for one, return my thanks for my ſhare of this praiſe. I wiſh it to be for ever remembered by all who hear me, by every man in this country, what our conduct upon this great occaſion has been. Let all thoſe who enjoy the bleſſings of peace in domeſtic felicity, let all who avail themſelves of the advantages of peace, through the various channels of widely diffuſed commerce, remember that Miniſters would have thrown all thoſe bleſſings, all thoſe advantages, into the hazard; nay, were willing to forfeit them; and for what length of time they might have been loſt, no man can poſſibly ſay; and that we have with our country the merit of endeavouring to prevent, and of actually preventing, an unjuſt, impolitic, and irrational war. Well aware of the difficulties in which Miniſters would have found themſelves involved, but regardleſs of every private conſideration, true to our duty, and ſtanding upon our opinions, we did all that lay in our power to arreſt the Miniſters on the brink of the precipice, to bring on the hour of ſober reflection, to diſſipate the fumes of vanity and pride, and to expoſe the folly of viſionary projects, ſo powerful on the minds of thoſe who, juſtly conſcious of ſuperior talents, but overweening in their own con-

ceit, despise the lessons of experience, disdain all, even domestic example, seek for unbeaten paths, and mistake novelty for wisdom. We claim no thanks from Ministers, we are entitled to none; the spring of our conduct was anxious regard to the public welfare, and to that alone.

The Duke of LEEDS said, that from the important situation which he had held in His Majesty's Councils, it would naturally be expected that on this day he should deliver to their Lordships his sentiments on the subject; and from what he had heard on that day from noble Lords on both sides of the House, he should be singular in his opinion. Your Lordships will forgive me, said the noble Duke, if I presume on this occasion to trouble you for a minute or two on a matter in which I am so intimately concerned. It certainly was my peculiar duty to consider this subject most deliberately. It would have been unpardonable in me if I had taken up a light, a rash, a premature judgement on a measure so truly important. I stood in the eye of my King and country, and should have been justly exposed to the condemnation of your Lordships—to the reproach of posterity, if on a topic—by which through my means my country might be involved, I had not taken every possible means of forming a ripe and solid opinion. My Lords, I did form an opinion, and I beg leave to say, that I still think the system adopted at the time, if persisted in, would have been advantageous to the Empire. Why, my Lords, after the system was taken up, and announced, it was thought expedient to form another opinion, I protest I cannot inform you; for though I have heard many rumours, I can only say, that I found no reasons to satisfy my mind of the propriety, the wisdom, or the policy of a departure from the system which had been formed, and on which the Cabinet had committed itself in the eyes of Europe. When I found in my colleagues this disposition, duty to my King, respect to my country, and permit me to say, my own feelings, pointed out the only line which I had to pursue—I laid those seals at the feet of His Majesty, with which he had been pleased to honour me for so long a time, and which I trust were returned as pure and unstained as they came into my hands. I thought this the proper course of honour, as I could not subscribe to the unexplained change of opinion which had taken place, nor agree to give my countenance and sup-

port to a ſyſtem directly the reverſe of that which on the moſt deliberate reaſoning had been adopted. I did not think it incumbent on me to do more. I did not think myſelf called on to come down to my place at the moment, to explain the reaſon of my having ſolicited His Majeſty's permiſſion to retire from office. Reſpect to my colleagues made me feel it right, that their new ſyſtem ſhould not meet from me any impediment.—There is but one point on which I take blame to myſelf, and for which I conſider myſelf as bound to make an apology to your Lordſhips—I was wrong in common with my colleagues, I acknowledge my fault, and beg your Lordſhips' pardons—I mean, my Lords, in reſiſting all explanation, when called on, and preſſed for it on the ſubject of the meſſage and armament, and for not meeting the queſtion fairly. Though there are occaſions undoubtedly when liberal confidence muſt be given to His Majeſty's Miniſters, yet on a ſubject ſo conſequential as a meſſage, announcing an armed interference with a foreign power, the nation has an undoubted right to explicit explanation. My reflections on this great queſtion have impreſſed on my mind this truth; and I am ſure, that if in this inſtance this courſe had been followed, if the cauſes which had induced His Majeſty's Miniſters to bring down the meſſage had been candidly explained, the nation at large would have given their concurrence to the ſyſtem which was adopted.

My Lords, I am only anſwerable for the ſincerity and integrity of my opinion---for its wiſdom I cannot anſwer. Noble Lords may differ from me on grounds which are not to be refuted; but they will pardon me, if I ſay I have not yet heard reaſons to induce me to change my opinion. It is ſaid that Oczakow, the object of their interference, was really of no value. I will content myſelf with ſaying, in anſwer to that aſſertion, that the Miniſters of Ruſſia, from their uniform language while I was in office, and from their uniform conduct ſince, have proved that they thought it an object of value. If it was of conſequence, my Lords, not to ſacrifice the balance of Europe, Oczakow was important; and it is not a new ſubject of alarm, that the deſigns of Ruſſia upon Turkey did threaten the balance, and were of conſequence to be reſiſted.—As far back as the reign of King William, there was a ſerious alarm taken at the approach of Ruſſia towards Aſoph, as it was

and fair inveſtigation of their meaſures, they might receive the judgement of the Houſe upon the merits of their conduct.— Now let us ſee, ſaid his Lordſhip, if Miniſters are of the ſame opinion with him; he feared much they were not; for inſtead of information, or any ſpecies of inveſtigation, even of the papers on the table, a motion was made for the previous queſtion; a very ſatisfactory mode of explanation ſurely. Miniſters tell noble Lords that they voted on confidence laſt year; but there is no occaſion for them to be informed or ſatisfied concerning the nature of the meaſure, or the particulars of the negociation which they had agreed to. In juſtice to Miniſters, however, it became the dignity of their Lordſhips to be ſatisfied as to their conduct, and to pronounce the praiſe or cenſure which ought to follow their meaſures; and in juſtice to themſelves, it became their duty to ſatisfy the country, and their own conſciences, that they had taken the firſt opportunity to examine and underſtand the buſineſs, which they had ſo readily agreed to, without any knowledge of its conſequences at the time. This, his noble friend who ſpoke laſt, as well as the noble Earl (Elgin), thought quite unneceſſary, and by a ſort of parliamentary injunction, called upon their Lordſhips to extend their confidence ſtill farther, and vote approbation to Miniſters, without any previous knowledge of what they are to be commended for. His noble friend had ſaid that Miniſters had done right in two reſpects, firſt, in arming to demand Oczakow from Ruſſia, and to agree to a peace without having obtained it. This certainly was a good way of determining that Miniſters were right at all hazards; but how their Lordſhips could ſolemnly agree to ſuch doctrine he knew not. With regard to the reſolutions moved by the noble Earl near him, his noble friend had admitted that the facts they contained were all true, but would not admit the concluſions that neceſſarily followed, becauſe they appeared like a cenſure upon Miniſters. Whatever his noble friend might think of the Ruſſian trade, he conſidered it to be of the greateſt importance to Britain, and almoſt indiſpenſably neceſſary to this country. He then came to inquire what the objects of our armament and negociation were, if to aid the Turks; the reſult had ſhewn, that we had not been able to do any thing for them, which they could not have done without us. In an early ſtage of the debates laſt

year it had been allowed, that there was no obligation on us to interfere, by any exifting treaty with Pruffia. It had been faid, that we owed much to Pruffia in fettling the affairs of Holland; this he would allow, and that Pruffia was a very good ally; but certainly the interference of Pruffia, on that occafion, was of much more confequence to Holland than to us; and yet he had never heard that the gratitude of Holland had dictated to her to meddle in this quarrel, although fhe owed more to Pruffia than we did; and after all that had been faid, he would afk of what utility or benefit to Pruffia had our mediation ultimately proved—none that he knew of. His noble friend had argued this point generally. He fhould like to be informed how it was poffible that Oczakow, remaining in the poffeffion of Ruffia, could affect our ally Pruffia? Even if there was to be a war between them, no man could imagine that fhe would enter the Pruffian dominions by the way of Oczakow; he therefore could not fee what dangerous increafe of power Oczakow gave her over Pruffia. And he was at a lofs to find out how we who had readily guaranteed the whole of the Crimea to Ruffia could be under any alarms or apprehenfions about her poffeffing Oczakow, and the barren defert between the Bog and the Dniefter and Budziac Tartary. The armed neutrality had been mentioned as no great proof of the friendfhip of Ruffia towards this country. He certainly could not fay that His Majefty's Minifters had acted upon principles of revenge; they had acted upon principles purely Britifh; for amongft the papers in their Lordfhips' hands, they would find that in the memorial of Count Ofterman, when the Emprefs hinted at her protecting all neutral bottoms, and allowing them a free navigation, as it had been a teftimony of her inclination to ferve Great Britain, the anfwer of Mr. Whitworth and Mr. Fawkener breathed nothing but rapturous joy, confidence and fatisfaction, for the communication, which feemed to difpel every difficulty which had previoufly occurred in the negociation. Before this period they had been fettling boundaries to the Ruffian Empire, planning divifions of the diftrict of Oczakow, and the country between the Bog and the Dniefter; but as foon as the Emprefs declared her wifh to protect the neutral fyftem, all thefe confiderations vanifhed; memorials and counter memorials, letters and anfwers, demands and conceffions, went on, and our able nego-

ciators were inclined to guarantee the Crimea, to ſtate no boundaries to the Ruſſian dominions, and to grant whatever ſhe required. In addition to what he had ſaid on the importance of the Ruſſian trade, he would obſerve, that of all the potentates in Europe, it was the intereſt of this country to keep up a good underſtanding with Ruſſia. He had likewiſe noticed before, that we were not bound by any treaty of alliance to meddle in the diſpute between Ruſſia and the Porte. Where then was he to look for that myſterious ſecret cauſe of our interference? He really ſtill believed there could be no other cauſe but that of Oczakow, and how far that was a good cauſe he would notice for a moment. It was notorious to all Europe that Ruſſia had declared the terms upon which ſhe would make peace fourteen months before we agreed to the very ſame terms, and thoſe who ſaid that Miniſters were right in their firſt demands, and then right in relinquiſhing them, ſeemed to forget that after an expenſive armament and protracted negociation, they had deſiſted from a claim which they knew they could not accompliſh before they began to arm. His idea of armaments agreed perfectly with that of the noble Earl (Kinnoul); they were not to be entered upon without a ſtrong exiſting neceſſity, becauſe they were always accompanied by the moſt pernicious effects, ruinous to the funds, to the commercial intereſts, and to the manufactures of the country. He was a good deal aſtoniſhed by the arguments of ſome, who ſeemed to think nothing of the expences of an armament, when they had money in hand to pay for it; and it would appear there were at preſent ſuch great overflowings of caſh ſomewhere, as ſufficiently juſtified Miniſters for their frequent armaments. It was not long ſince the country was called upon to provide for defraying an armament againſt Spain; and ſo much was it liked, that it appeared they had allowed ſo much more than was neceſſary, that the Miniſter was encouraged to enter upon another almoſt immediately, becauſe a part of it could be paid by the ſavings of the former; thus,

"The funeral bak'd meats did coldly furniſh forth the marriage "table."

This might be thrift with the Miniſter of the preſent day, but he did not underſtand that right which ſome people ſeemed

to think Ministers had to play the fool; and indeed they had shewn that they were not inclined to omit any opportunity of doing it, lest another might not occur. He was told that we had purchased a peace in this manner; now, he had no objection to the purchase, though he disliked the bargain, because we had, by the armament and negociation, bought at great expence what we might have got for nothing. For he contended that it was not to the expence or extravagance of the Minister's projects that we owed the peace; on the contrary, it was universally known that we owed it to the complete and total failure of his absurd measures. Still, then, we were ignorant of the secret object of the Minister. An endeavour had been made of late to rest it upon the free navigation of the Dniester; this, he owned, he did not perfectly comprehend, nor did he know of what nature that free navigation was, or who would be benefited by it. If it was ourselves or the King of Prussia, it might be a question, in case we wished to participate the advantages of it, how we were to get at it; but why, if this was the principal object, was it never heard of till now?—this appeared to him rather curious. He had been informed, that a tragedy had come out at one of our theatres this winter, wherein the principal hero of the piece did not make his appearance till the last scene of the last act, and this, he thought, was a similar instance; for though it was said to be a very important advantage, it had never been heard of till the negociation was concluded, the former objects of the armament given up, and the failure of our whole system had occasioned a peace, which was surely introducing it in what might be called the last scene of the last act. It was clear that Russia had proposed her own terms, which we had refused; and after all, she had carried the point for herself without our mediation. Ministers, when called upon to produce the preliminary articles upon which the treaty of peace was concluded, had said that they had received no authentic or official copies of them; and he thought nothing could be a stronger proof that our mediation was not of the smallest consequence to the negociating powers, than that they had thought it unnecessary even to furnish our Court with official copies of the preliminary articles. It certainly convinced him that we had nothing to do with the peace that followed these articles. He noticed a noble Lord's observation, relative

to the practice of impressing seamen, that though necessity had induced us to think that we had the power, if we meant to retain that power, such as it was, we had better be prudent in the exercise of it. He recurred to the motion for the previous question, which he thought the most extraordinary and unbecoming the dignity of the House of any thing that Ministers could have attempted; and when they laid papers upon the table he never thought that it was meant to let them remain there unlooked at, or, when examined, to be passed over in silence; such conduct could add nothing to the characters of, or the claims of confidence of, Ministers, and would ultimately tend to lower the British name in the respect and esteem of all other nations.

Lord GRENVILLE said, that it never was desired by His Majesty's Ministers that they should receive from Parliament any other than constitutional confidence. They had never abused the discretion, which had been placed in them. It was not always a matter of course, he conceived, that when they acted upon confidence in the outset of a measure, they were to be censured for their conduct in it. But certainly if they were so, they could not apprehend censure, from the justice of their Lordships, without their having first called for every possible paper that office could exhibit, not only as applicable to the specific object, but to every thing collateral—to all the negociations which had been carried on with all the Powers of Europe—and it was for the wisdom of the House to say, whether they would go those lengths for the sake simply of finding ground for complaint. He was aware of, and indeed he expected to find the idle and vulgar prejudices, which had been spread out of doors, that this country had no occasion for foreign connections—that it was our best system to stand alone. Such prejudices had been industriously spread out of doors—but this unfounded doctrine, this delusive and dangerous policy, no one noble Lord had ventured to advance that night. He mentioned the rumours only to rejoice that they had met with no countenance from their Lordships. But though it was certainly untrue, that we could safely and prudently stand alone, it was true that we had no ambitious objects to pursue—we had nothing to gain—we wished only to remain as we were, and our alliances could only have the tendency of maintaing the balance of

power. Our principles were pacific. It was known to Europe that they were ſo, and it was a matter of pride, that ſtanding on the high eminence which we did, we exerted our power only for the maintenance of peace.

Such was the true object of our late interference. Our ally Pruſſia, had ſubſtantial reaſons for alarm at the encroachments of Ruſſia on the Porte. They threatened the overthrow of that balance which was neceſſary to the general tranquillity. It was evident that the object of Ruſſia was to become maritime; and he deſired to know if that was an object favourable, or even ſafe for England? It was an acknowledged fact that if ever ſhe did become maritime, it was to the friendſhip of England that ſhe owed it. How far we were juſtified in forming hopes of grateful return, no perſon could more truly inform their Lordſhips than the noble Earl who ſpoke laſt. He certainly had had the means of knowing, in a very critical moment for this country, the true nature and value of the friendſhip of her Imperial Majeſty. Oczakow was ſaid to be of no value in the hands of Ruſſia. He denied the fact. In the hands of Ruſſia it was important, becauſe it could only be for offence. To the Porte it could only be of conſequence for defence. It was preciſely on this diſtinction that the alarm had been taken. Such was the opinion of their ally. Such had been adopted as the opinion of the Cabinet, and upon this opinion they acted. But when they found, that not only in the two Houſes of Parliament there were a conſiderable number of perſons who did not agree with His Majeſty's Miniſters in this view of the object—and ſtill more ſo when they found that this ſentiment was taken up by a great number, if not a majority of the people out of doors—it became a new queſtion, whether with a divided people, they ſhould perſiſt in a proſecution of the object.—— They with a proper deference to public opinion, determined, that it was not proper to riſk the hazard of a war under ſuch circumſtances. Such was his opinion—ſuch ought ever to be the influence in a popular Government of public opinion, and he ſhould ever yield to its ſway. No doubt, the Empreſs, who by various channels muſt have heard the effects of this divided opinion, would alſo regulate her conduct upon it. The conſequence of theſe conſiderations was, that they determined to give up ſo much of their original plan as regarded Oczakow.

Upon this the noble Earl had exerted an abundant portion of his wit, in saying, that Ministers were to be defended, first, for demanding Oczakow to be given up—and secondly, for consenting to its being retained. He confessed it was with astonishment he had heard this sort of ridicule from the noble Earl. Did no part of the noble Earl's life furnish him with instances, when under different circumstances, he might be constrained to give up at one moment, what he had struggled for at another? In no very distant times the noble Earl might have traces of this sort of compulsion! But it had been said, why keep up the armament, when they had, in their own minds, abandoned the object? There were other circumstances which made it necessary to keep up the armament for a certain time. The noble Earl had accused Mr. Faulkener and Mr. Whitworth, of having, in their memorial, applauded the Empress for her expressions respecting the armed neutrality. How the noble Earl could justify that kind of raillery, at the expence of those gentlemen, he left to him to account for. The free navigation of the Dniester had also afforded him a subject for merriment. But was it a matter unknown to the noble Earl, that the Turks draw considerable quantities of grain from Poland; and that when Oczakow was given up, it became necessary that this channel should be secured to the Poles, on the one hand, and the Turks on the other?

The noble Lord then took a review of the recent transactions of Europe, in all of which His Majesty's Ministers had had some influence—as far as they had exerted their influence to restore things to the *status quo*—the balance which it was thought necessary to poise. A treaty had been formed through the mediation of the allied powers between the Emperor and the Porte, on the basis of the strict *status quo*. Peace had been re-established between Russia and Sweden, not certainly by their influence, but on the same basis. The Netherlands had been restored to the House of Austria, and the ancient constitution secured to the people on the mediation of the allied powers—and peace had been also established between Russia and the Porte on the basis of the *status quo*, qualified only by the retention of Oczakow. All this had been done in the true spirit of the pacific principles by which we were governed. It was a glorious distinction for England, that, placed on a pinnacle of prospe-

rity unprecedented, not only in our own annals, but in the hiſtory of all other nations, ſhe exerted her power not for aggrandiſement and ambition—not to profit from the diſtractions of other countries—not to cheriſhing any mean ſentiment of revenge for wounds inflicted in the moment of our weakneſs—to ſeize in our turn the moment of advantage, and perpetuate the diſorders that ravaged a neighbouring and rival people. That with the means of unprecedented influence ſhe exerted it for the peace of Europe, and deſired only to be felt and known as the friend, and not as the diſturber, of other nations.

The Earl of GUILDFORD ſaid of the perſonal alluſion to himſelf, that he had now been ten years out of office, and as often as theſe kinds of animadverſion, out of ſeaſon, had been made on his Miniſtry, he had challenged them to name a day for ſpecific charge, and with this ſingle anſwer had uniformly paſſed on to the proper buſineſs of the day. He replied to the miſrepreſentation of what he had ſaid of Mr. Faulkener. He had ſpoken of his memorial to prove that Miniſters had certainly not made the armed neutrality a ſubject of complaint.—He concluded with ſaying, that the noble Lord had proved, that, through our great power, it had coſt the Turks fourteen months time to get poſſeſſion of what the Empreſs had generouſly offered them, but Sweden had got a peace at once, becauſe we had not interpoſed.

Lord HAWKESBURY explained.

Lord STORMONT entered into ſo wide a field of argument, that we can only give the ſubſtance of ſome particular parts of his ſpeech. After complimenting Lord Elgin upon the ability with which he had ſpoken, and the judgement and prudence he had ſhewn in what he did *not* ſay, a rare quality, and particularly uſeful in the career in which that noble Lord is engaged, his Lordſhip ſaid, that he did not conceive how it was poſſible for Miniſters to eſcape from the preſſure of this alternative—"Either the objects contended for were important to the great intereſts of this country, or they were "not." If thoſe intereſts were not concerned, then confeſſedly was the armament made without an adequate cauſe. Take the other ſide of the alternative, and maintain that the terms obtained by Ruſſia materially injure this country, either immediately, or through the intereſts of our allies, then have thoſe

feared, that ſhould ſhe, by degrees, get up even to Conſtantinople, ſhe would become a maritime power, and be formidable in the Mediterranean. It has been evidently the plan of the Empreſs to preſs upon the Ottoman Porte, and her deſigns were viewed with jealouſy by our ally, the King of Pruſſia.—Now though we certainly were not bound by the letter of the treaty, exiſting with the Court of Berlin, to take meaſures with him to prevent the dangerous extenſion of the Ruſſian Empire, yet that liberal conſtruction of a friendly treaty, which ſound policy demanded, and which I truſt it well ever be the character of this country to make, demanded that we ſhould enter into view as truly for our own permanent intereſt as that of our ally. Your Lordſhips will recollect, that at that time the jealouſy between Pruſſia and the Houſe of Auſtria, who might be called natural rivals, if not natural enemies, was in its full force. Happily for themſelves, and happily for the peace of Germany, theſe two great powers have now drawn towards one another in a more cordial way than was ever known before, and I ſincerely hope their friendſhip will be permanent. But then their mutual jealouſy made them naturally fearful of every acceſſion made by other neighbouring powers, and the conduct of Ruſſia did excite the apprehenſions of Pruſſia. Such, my Lords, was the ground of the ſyſtem on which I acted—It was thought adviſeable to change it; and Ruſſia has been permitted to make an acquiſition, which I think dangerous and inconvenient. I ſhall be happy to hear, that the people of England are content with the concluſion of the negociation, and that they think the armament has been accompanied with advantage to the country.

I dare ſay that there were well-weighed reaſons of ſtate policy that induced my colleagues in office to change their plan. What theſe reaſons were never came to my ears---but after the debate in the other Houſe of Parliament, they balanced, no doubt, the national object againſt their riſk, and they determined, for reaſons that I do not pretend to divine, and that I certainly cannot juſtify, to abandon the preciſe object of the armament in the very moment that it was begun.—My Lords, no man can feel more ſenſibly than myſelf the extreme delicacy and importance of a national armament. To involve the country in a war, or in meaſures that may conclude

in war, are the moſt ſerious, and the moſt daring meaſures that the ſervants of the Crown can reſolve on; but when a ſenſe of painful duty calls upon them, it would be treacherous in them to ſhrink from the taſk. Such was my feeling. It has been aſked why, when it was determined to mediate with arms, it was not ſufficient to reſt on the ſtrength of a mere demonſtration, and why we determined to proceed to an actual, effective, armament---diſturbing the commerce, impoſing a large expence, and by the act of impreſſing, violating for a time the conſtitution of the country? To all this, my Lords, I anſwer, that when the Cabinet determined to announce to all Europe, that they were to mediate with arms in their hands, I did not think it ſafe to truſt the high honour of the country to a mere demonſtration. Having committed ourſelves, I would not ſuffer the iſſue to be doubtful.

Much has been ſaid about the navigation of the Dnieſter, and my noble friend (the Earl of Guildford), with his uſual talent for wit and ridicule, has put ſome queſtions in ſo forcible a point of view, and adapted his illuſtrations with ſo much felicity, as to provoke the mirth of the Houſe; but, my Lords, ſurely the alternative is reconcileable. When Oczakow was given up, it followed of courſe that the navigation of the Dnieſter muſt be an object of diſpute---an object to be ſettled by treaty. It became, indeed, the hero, but not until the firſt leading object on which we had committed ourſelves, had been abandoned.

The noble Duke then paid a very handſome compliment to the talents, integrity, and conciliating manners of Mr. Faulkener, whom he had long known, and who perhaps was every way the beſt qualified gentleman in England for the commiſſion with which he had been charged. His Grace concluded with a ſhort repetition of the cauſe of his reſignation; it was produced by that ſenſe of duty which made it impoſſible for him to hold a ſituation, the duties of which he could not execute without the dereliction of opinions which he had maturely formed, and the embrace of others of which he totally diſapproved. He came forward now to ſay thus much in explanation of his conduct, now that an end was put to the meaſures on which he had differed with his colleagues.

The Houſe then divided on the previous queſtion, put on the firſt reſolution:

Contents	73	Proxies	9	Total	82
Not Contents	18	Proxy	1	Total	19

Earl FITZWILLIAM then moved the other ſix reſolutions ſeverally, and on each of them the Earl of Elgin moved the previous queſtion, which was put and carried.

The Houſe adjourned.

Tueſday, 21ſt February.

Their Lordſhips, immediately upon meeting, adjourned to Weſtminſter-hall.

Thurſday, 23d February.

Their Lordſhips being returned from Weſtminſter Hall, ſent a meſſage to the Commons, that they would proceed farther in the trial of Warren Haſtings, Eſq. on Wedneſday next; and then adjourned.

Friday, 24th February.

The Lords, on the motion of Lord PORCHESTER, were ſummoned to attend on Monday next.

The Houſe adjourned.

Monday, 27th February.

Lord PORCHESTER ſaid, he roſe to call the attention of their Lordſhips to the ſubject of the late armament againſt Ruſſia, and he hoped for their indulgence and patient hearing, although he well knew that whatever fell from him on the preſent occaſion would be of little weight, after the exertions and ſuperior abilities that had been diſplayed by his noble friends in the laſt debate upon the ſame ſubject, had failed.—What he wiſhed to impreſs on their Lordſhips' minds was, that Miniſters had abuſed the confidence repoſed in them by Parliament, and had entered into, and carried on, an expenſive, unprovoked, and uſeleſs armament, the conſequences of which had proved it unneceſſary, extravagant, and fooliſh, in every

view that it could be taken. He condemned, in the fevereft terms, every fhadow of a caufe that had been offered for it by His Majefty's Minifters, and affirmed, that the refult would bear him out in all that he ftated. The Minifters had laft year come down to the Houfe with a meffage, requiring and foliciting the concurrence of Parliament to their hoftile meafures againft Ruffia; this they had obtained on confidence entirely, and no fooner had they obtained this fanction, than they abandoned the only object which they pretended to have for inducing Parliament to agree to an armament without knowing the grounds upon which they were called to arm. This, and all that he meant to trouble their Lordfhips with, he was warranted to ftate from the fpeech of a noble Duke, whom he trufted he might call his noble friend, and who had fhewn himfelf the friend of his country. In that fpeech, however much he might differ from the noble Duke as to the value of Oczakow, in the general balance of power in Europe, there was enough to entitle the noble Duke to the thanks of his country, for his manly difinterestednefs, and the fair declaration of his fentiments; a declaration that did honour to his feelings, and certainly was of the greateft confequence to all who heard it, and to the country at large. The noble Duke who held that fituation in the Cabinet, which entitled his information to much refpect from them, had come forward like an honeft man, and told them his reafons for approving of the armament, and that he had not formed it haftily; he had then told them why he refigned, though he owned that he was ftill completely ignorant of the caufe which induced his colleagues in office to abandon a fyftem that had been fixed upon after the moft mature deliberation. The noble Duke had likewife taken fhame to himfelf, and told their Lordfhips fo, for the part he had acted laft feffion; he was afhamed, that he, as a Minifter, fhould have come to that Houfe to afk the confidence of their Lordfhips to fanction a meafure attended with deftructive and ruinous confequences, and, with as much dignity as propriety, had faid that, upon reflection, he was convinced that afking a blind and unlimited confidence from Parliament on great and hazardous occafions, was highly indecent and improper; and he had particularly ftated, that it was the duty of Minifters, before they proceeded on any meafure that was likely to involve the country

in war, to lay ſuch information before Parliament as would juſtify their conduct. Finding, however, that the preſent adminiſtration entertained no ſuch conſtitutional ideas, his Grace could no longer act with them, and had reſigned; all this, he contended, ſhewed in the moſt ſtriking light the way in which they had trifled with the Houſe, and with the deareſt intereſts of the country, in a moment of danger, when prudent, wiſe, and cautious conduct would have been much more becoming than raſhneſs, folly, and inſignificant threats. He ſaid, they had opened the ſeſſion by a promiſe in the King's ſpeech to lay before the Houſe all the papers relative to this buſineſs; but had they done ſo? No. He would challenge any noble Lord in the Houſe to find any one paper, or article in any paper on the table, that could in the leaſt juſtify their conduct; and eſpecially after the impreſſion which the noble Duke's ſpeech had made on the Houſe, he truſted that they would at leaſt find it neceſſary to ſay ſomething in their own defence, and not endeavour to paſs every thing over in ſullen ſilence and myſterious ſecrecy—a conduct that had been too common of late, and which required an overſtretch of confidence, that muſt ultimately be extremely prejudicial to the conſtitution of this country, much as they pretended to value it. He deſired them to point out any one object that we had gained, or any ſervice that we had done to our allies; in ſhort, they had equipped an armament againſt Ruſſia, with whom we had no real cauſe of quarrel; they had put the country to heavy expence, interrupted our commerce for the time, and impreſſed our ſeamen, all without any fair or juſt grounds. Pruſſia had received no advantage from our mediation, nor was it more uſeful for the Turks, for they had ſhewn that in making a peace it was not even neceſſary to conſult us. He came then to anſwer the arguments uſed by a noble Lord on a former night, ſetting forth how much we owed to Pruſſia, and how little to the Empreſs; and having gone minutely into the origin and progreſs of the whole tranſaction, he ſaw nothing but the folly and iniquity of our raſh and unneceſſary interference; he could not liſten to any arguments founded upon idle jealouſy about the increaſing power of Ruſſia in the general balance, or principles of revenge for her paſt conduct to this country; our meaſures, he aſſerted, in the whole of this negociation, were well known at every

Court on the Continent, and wherever they were known, they had made Great Britain, for the first time, ridiculous and insignificant in the eyes of all Europe. But it was said we had finally procured a peace between Russia and the Porte, and settled the general tranquillity of Europe, which, he said, would have happened without our interference, and was to be ascribed to this cause alone—that we had luckily failed in the whole of the system which our Ministers wished to pursue.

He then made his motion as follows:

"That His Majesty's Ministers have abused the confidence "reposed in them by this House, in an address of the 29th of "March last, which passed without any information commu- "nicated to us upon the representation of the "necessity of "making an addition to the naval force of the kingdom, for "the purpose of supporting the interests of these kingdoms, "and of contributing to the great and important object of re- "storing the tranquillity of Europe on a secure and lasting foun- "dation," by continuing, at a great expence, and with great "hardship to the British seamen, the preparation of that force, "after they had determined not to employ it, but to close with "the conditions offered by the Court of Petersburgh so early "as the 26th of May 1790, repeated frequently, and invari- "ably adhered to by that Court, which they have since ac- "cepted as sufficient to support the interests of these kingdoms, "and to restore the tranquillity of Europe on a secure and last- "ing foundation."

Lord RAWDON said, extraordinary as the conduct of His Majesty's Ministers had been throughout this whole affair, he could not have imagined that they would carry their disregard of appearances to such a length, as not to offer any exculpation, when so serious a charge as that contained in the motion was exhibited against them. The affectation of silence might be a convenient cloak for those who knew that any specific defence they could offer, must be replete with inconsistencies; but it was a species of evasion that so obviously marked the weakness of a cause, that he trusted it would meet with no countenance either in that House or with the Public. Was this the return which Parliament had reason to expect for a confidence, liberal beyond precedent? Was the moment never to arrive, in which they were to be instructed that their confidence was not

abused? Had Ministers *no plan* of conduct, that they were thus apprehensive of making such an avowal? If otherwise, why not bring forward that plan to the test of discussion? The manly declaration of a noble Duke, lately in high office, took away every pretext that had been urged for reserve, through apprehension of possible mischief from the communication of documents. We participated in the regret of that noble person, that he had not at the time declared the motives of his dissent from Ministers. This declaration, so coincident with the public sentiment, would have been highly impressive. Was there, he would ask, any person, who knew the noble Duke, who could, for an instant, suppose that he would come forward with a disclosure that it was improper to make? The inference, therefore, was, that Ministers might with safety have laid the negociation before the Public, and were only withheld by the consciousness that an exposition of their own errors was inseparably connected with such a statement. The noble Secretary's retreat from office rung an alarm through the country—the hands of Opposition were strengthened, and Ministers, compelled precipitately to abandon what they had rashly adopted, sent for the *courier* of peace.

If the object originally in view was really worth arming for, it had been prosecuted in a manner the most whimsical, in which a point of such importance had ever been followed; the object was stated to be, the prevention of any dismemberment of the Turkish empire, by the arms of either Imperial Court. Observe how this purpose was conducted; Sweden, either stimulated by private injuries, or moved by your instigations, had attacked Russia with the utmost vigour. In the King of that country we found an ally, intrepid and enterprizing; not one whom it might be necessary to urge to lukewarm exertion on our side, but who was already *matched* with Russia. He was applauded; promised support, urged to perseverance, and then abandoned. Could not the gallantry of the man plead for his support? Must *our* alliance and treachery be thus intimately connected? and was no compunction felt at the idea of having exposed, by our instigation and neglect, to the cool, deliberate resentment of a mighty Power, one, whose principal resource was in the greatness of his own mind? If Ministers meant war, co-operation with the force of Sweden was a policy so

clear, that it is inconceivable how it could be overlooked; but the all-sufficiency of the British Cabinet contemned every advantage of that nature: the consequence was such as might have been foreseen. The King of Sweden, betrayed and deserted, not only made a separate peace, but has entered, through resentment of your conduct, into alliance with Russia. It was matter of surprise, that Ministers had not put it as a boast into the mouth of their Sovereign, on the opening of the session, that the policy of this country had produced between Russia and Sweden not pacification merely, but amity and specific league against any future violator of the tranquillity of the Baltic.

His Lordship then adverted to the conduct of Ministers towards the Emperor. How had they served their Turkish ally in this case? The preliminary treaty at Riechenbach, confirmed at Listove, laid down the *status quo* as the *basis* of negociation. The Emperor, finding Turkey under the special protection of England, construes this to mean the *status quo de jure*, according to the treaty of Belgrade, demanding the whole course of the Unna as his frontier on the side of Bosnia. The Turks object that they had rejected that construction after the treaty of Belgrade, and that they had then declared they would renew the war, were the claim insisted on. The Emperor perseveres, and the Turks yield. This position, on the back of Bosnia, which hitherto has been the bulwark of the Turkish empire on that side, must make that province soon sensible that the only permanent security it can experience, must arise from attaching itself to the Emperor. How grateful must the Sultan feel, for a mediation that thus abridged his dominion!

Ministers had resolved that, in respect to Russia, facts should stand as bare of any explanatory comments as possible; they had, indeed, laid some papers upon the table, but it was visible, that as they were only answering to their country at large, they thought it unnecessary to adhere to the qualification of legal evidence, namely, the truth, and the *whole* truth.

They first laid on the table, as being all the documents referable to the subject, a set of papers, from which the keenest perspicuity could never have inferred that there had been the smallest difference between the Courts of Petersburgh and London. He supposed Ministers had recollected themselves afterwards, and had become aware that an armament would

appear rather unaccounted for, if not a ſyllable, expreſſive of diſſatisfaction, appeared in all this correſpondence with the Empreſs. The noble Secretary of State, therefore, laid other papers upon the table, which, by the dates, their Lordſhips would perceive ought to have been inſerted early in the ſeries of documents laid before the Houſe; ſtill, theſe papers ſuggeſt no pretenſion, on the part of Ruſſia, which could furniſh a rational ground for plunging this country into a war. When he heard the noble Secretary of State, on a former day, advance that the Empreſs had demanded the erection of Wallachia and Moldavia into an independent kingdom, to be governed by an hereditary Chriſtian Prince, he had been aſtoniſhed at the aſſertion; becauſe, in the very documents with which Miniſters had condeſcended to favour the Houſe, it appears, that this propoſition is, both in letter and ſpirit, ſubmitted entirely to the deciſion of the friendly and impartial Powers; that is to ſay, Great Britain and Pruſſia. Such a miſrepreſentation could only have the momentary view of winning the votes of the reverend Bench of Biſhops, through the juſt indignation which might be ſuppoſed to be excited in them by this impudent attempt of the Empreſs to ſecure the preponderance of the Chriſtian religion in thoſe provinces. A noble Lord, (Elgin) from whom, at a future day, this country would probably receive conſiderable ſupport, had ſpoken, in a former debate, of the advantages to be derived from the navigation of the Dnieper. Maps, to be purchaſed in every ſhop in Vienna, might have ſhewn that Oczakow could not command the navigation of the Dnieper: that river was near three miles broad at the mouth, and a ſhoal ran from Oczakow nearly two-thirds of the way acroſs. It appears, from General Manſtein's Memoirs, that in 1737, when the place was beſieged by the Ruſſians, not one of the Turkiſh veſſels which attempted to throw proviſions into it, could get up to the town, becauſe the channel forced them to keep cloſe to the oppoſite ſhore, then in poſſeſſion of the Ruſſians. His Lordſhip ridiculed the idea that the poſſeſſion of Oczakow would increaſe the maritime ſtrength of Ruſſia; its defects, as a marine ſituation, were, from the preceding account, obvious; as little could it be regarded as an additional force by land, as it had been repreſented by a noble Lord (Hawkſbury), and thence injurious to

Pruſſia. What were thoſe great advantages which Ruſſia was to derive from the poſſeſſion of Oczakow and its diſtrict?—Could ſhe make levies to recruit her army from a depopulated region, or draw treaſure to repleniſh her exhauſted coffers from barren ſands? When it was conſidered how much theſe accounts were reverſed; when it was found neceſſary to relinquiſh Oczakow, they had only to admire the facility with which Miniſters changed their *points of view!*

His Lordſhip obſerved, that he would ſtrenuouſly concur with that noble Lord in the poſition, that there was a feeling of honour due towards an ally, which ought to go beyond the mere letter of engagements; he truſted that the happy bond of union which had lately taken place between the two Royal Families, would animate Britain and Pruſſia to reciprocal ſervices, far beyond what the fragile article of a treaty could ſecure; and he was certain that ſuch a generous conſtruction of the terms of alliance was always for the intereſt of the country that obſerved it: in this inſtance, however, no advantage could be pleaded for Pruſſia in forbidding the Empreſs to retain Oczakow, but ſuch an advantage as it would be ſlander to aſſert, the juſt and magnanimous Prince who now ſat on the Pruſſian throne, would ever ſtipulate, namely, that Ruſſia ſhould continue to be exhauſted, by the unceaſing waſte of blood and treaſure, which the facility of attack from the Turks at Oczakow might be expected to occaſion; and that thence Ruſſia ſhould be rendered leſs able to maintain a force in the neighbourhood of Pruſſia. This fomenting of calamities to other countries, that their debility might give you relative ſtrength, had hitherto, to the diſgrace of civilized countries, been too common; but a ſpirit of good ſenſe and probity had of late moſt happily infuſed itſelf into the politics of Europe; and he hoped that the execrable ſyſtem to which he had alluded was exploded for ever.

Of all the wretched policy of petty Stateſmen, the moſt contemptible was that which threatened every thing, and performed nothing: to the exerciſe of ſuch a policy the powers of Europe could not long be inſenſible; they were ſenſible of it, and eſtimated it as it deſerved; dictatorial words had at length found their level and value; they were underſtood, and therefore ineffectual. A noble and learned Lord, (the Chancellor)

whose sentiments he was proud to quote, had happily defined the ancient policy of the French Court; he had defined it to be "a tissue of ridiculous fopperies." The expression was as happy as the opinion was just; this policy had sent them prying into every Cabinet in Europe; it had rendered them insidious supplanters; where they found amity and friendship, they sowed discord; and a single spark of pique was quickly kindled to a flame. Of this policy what was the result? It enabled them to attain petty ends at ten times their value, and to cause temporary inconvenience to their neighbours, at the expence of permanent inconvenience to themselves. He must be a nice casuist, who could draw a line of distinction between the conduct of our present Ministers and that of the Court of Versailles. Did this opinion want illustration, he had only to refer to our late difference with Spain. Was the cause of this rupture of so aggravating a nature, that it could not be adjusted? Directly the reverse; never was difference more open to accommodation; but a prurient desire of making mountebank parade had seized on Ministers; the mob were to be deluded; and from such materials as arrogance, error, and degrading concession, was to be formed a tinsel wreath to decorate their brows. By the detention of some vessels, individual interest suffers a temporary inconvenience; a *fracas*, which might have been settled by the appointment of two Commissioners, is swelled to the consequence and magnitude of a cause for a national rupture. Language, menacing and dictatorial, was held out to Spain; that Court was not so lost in surprise, as to neglect the means of defence. She armed. England assigned this as the cause of her armament. These hostile arrangements continued on both sides, till this *momentous bubble* subsided in the convention Would it not puzzle the most confiding friend of Ministers to assign any one advantage which was derived from this adjustment, unless it be deemed such to have it *ascertained*, that where we went before, we must go no longer. His Lordship declared, he was at a loss to know what to compare this *bravado* principle of Ministers to; it bore no resemblance to any thing that was spirited, ingenuous, or manly; one similitude, indeed, presented itself; it put him in mind of the conduct of a child, who, getting hold of a large sword, swings it about his head, (for wield it he cannot) saying to

those about him, "See what I can do," till the weapon falls from his feeble grasp. The parallel might probably hold yet farther, as Ministers appeared to be equally insensible with the child to the ridicule arising from failure in the proper use of it. Former modes of amicably adjusting the differences of nations, were now totally disregarded; and threats and defiance substituted. "Thus far shall you go," was now the only tone to be heard. How long do Ministers intend to maintain this bullying tone? How long will they continue to appear magnificent in the parade of war—stunned by the first effort at resistance, and then, through a wounded pride, *trailing along* an expensive armament, which was never intended to have any other distinction than that of being the last to disarm. No circumstances, he observed, could ever erase the opinion he entertained of the past erroneous conduct of Ministers: in ascribing their conduct to error, he pleaded, in extenuation for them; were it to be ascribed to any other motive, how exemplary severe must have been the necessary atonement!

Ministers, his Lordship observed, in the result of their management, had bestowed advantages on every Power within the scope of their interference, excepting upon that which they stood forth to benefit. To Sweden they procured an alliance upon equal terms with Russia—a species of league always useful to the weaker nation: for Austria they had obtained cessions, after an unsuccessful war, which she could not command, after all the victories of Prince Eugene. To Russia they awarded the very district which they had armed to prevent her retaining; because they not only retracted their own menace to her, but they deprived the Porte of the hope that the extent of its calamities might at length induce them to render it that succour which they had so long promised; for they pledged themselves by a solemn declaration, (if, indeed, after their conduct, any declaration from Great Britain was to be relied upon) that should the Turks refuse the cession which they had formerly said they ought never to make, no check would be given by them to Russian vengeance, were it even to storm the walls of Constantinople. That the Turks were not insensible to this *stroke of friendship*, was evinced by their subsequent conduct. What share had England in adjusting preliminaries between Russia and the Porte?—None. Did she approve of them?—

She was not permitted to see them. He wished their Lordships to recollect, that England, thus treated with indignity, was that Power the interposition of whose strength was to save the walls of the Turkish capital. He feared that barbarous nation had not refinement sufficient to taste the delicacy of the protection which had been *inflicted* upon them by the British Cabinet.

There was a book popular in the East, the Institutes of Timour, and he was apprehensive the Ottoman Ministers might have recollected a passage of it on the present occasion. "By "experience," says Timour, "it is known unto me, that an "injudicious friend is far more dangerous than an open enemy; for such a one, my firm and stedfast adherent, did to "me, in his friendship, such mischiefs, as no enemy could "have devised in the excess of his enmity."——The Turks might have thought that the miserable carnage to which our Ministers had subjected them, for fourteen months, by insisting that they should reject those terms which they at last joined to impose on them, was a sort of obligation that did not require any very warm acknowledgements: our interference was, in consequence, finally not even deemed worthy the decided tone of rejection—it was wholly overlooked. Gracious God! said his Lordship, is it possible for the Parliament of this country to look on tamely at such *expensive humiliations*? Are the errors of Administration only to be exceeded by the credulity of a *confiding* Parliament?

Amid this ostentation of vigour and exertion, Ministers started another claim paradoxically ridiculous! Could it be believed, yet such was the fact, that Ministers claimed to be the pacificators of Europe? In one point of view, the claim was not unfounded; their conduct had instructed Sweden, destitute of reliance on our faith, to form an indissoluble union with Russia; it had instructed the Porte, that peace alone could protect it from the treachery of our Councils; and Austria, whom we affected to oppose, acquiesced in the advantages we had obtained. To obstruct a peace she could have no longer an inducement; peace gave her leisure and opportunity to enjoy those advantages, which, with a degree of generosity peculiarly romantic, we had wrested from a friend to confer on an enemy.

At a claim, so seriously absurd, it was almost impossible to be grave; it brought to recollection the regret of Candide, in Voltaire's 'Optmist.' "Certainly," says Candide, "I am "the best-tempered fellow in the world, yet this is the third "man I have killed already."

His Lordship observed, that though information was denied to him, and the noble Lords on that side of the House with whom he had the honour to act, the Minister ought to recollect, that the two Houses of Parliament should be considered as representatives of the country. He wished the noble Secretary to bring it home to reflection, that the voice of Parliament and the country are not to be distinguished. Outside the walls of those Assemblies, the people may indeed vent their dissatisfaction in murmurs; but it is here only they can come to exercise their constitutioual right—to demand information.

The Earl of CARLISLE said, there were various grounds on which he conceived the House ought to vote the motion of his noble friend; the first ground was, the maintenance of the constitution, which had of late received so much praise from Ministers; for what would it avail that we were in possession of a glorious and happy constitution, if the public conviction of that constitution was shaken; and what could more effectually tend to shake it, than unnecessary wars, and the additional taxes imposed to support them: but unnecessary wars had not only been hazarded at a period when peace was peculiarly the line of policy which the country ought to have formed, a policy particularly pointed out to us at a moment when our old rival was broken down, and when an opportunity was afforded of reducing our establishments; but at that moment, instead of peace being pursued, the meanest pretence had been seized for preparing for war. Another ground for voting for the motion was, that the Minister had procured a vote of money upon confidence, without having given any explanation at the time of his commencing the armament voted; or since, for his abandoning such armament; in so acting the Minister had betrayed a great, though a melancholy, truth, namely, that the Parliament was not the organ of the people; when the Minister wished to stand upon the strong ground of confidence, he trusted to the breath of Parliament; but if danger unforeseen stared him in the face, he made a distinction between the Parliament and

the people, and said he gave up his armament upon the opinion of the people formed elsewhere than in that House. His Lordship in reviewing the political objects of the armament said, he believed they might be found in the endeavour to obtain for Prussia, Dantzic and Thorn. He condemned the surrender of Oczakow, and ridiculed the point of the free navigation of the Dniester being stated as an object of the highest importance. He also charged Ministers with having on slight grounds commenced the Spanish quarrel, and taken more money from Parliament on that occasion than they wanted. Upon the whole of the business he concluded it might be said we had gained a loss.

The Earl of HARDWICKE defended Administration, chiefly upon the ground, that they had acted upon the opinion, and with the approbation of Parliament, declared by a great majority in both Houses, when the subject was discussed last year.

Lord Grenville and Lord Stormont rose together, but the latter sat down, when

Lord GRENVILLE said, he would not have attempted to interrupt the noble Viscount, but that he could not sit patiently and hear it brought against His Majesty's servants as a charge, that they would give the House no explanation, relative to the conduct with respect to the late negociation with Russia, but that when called upon for their defence, they refused to answer, and obstinately persisted in preserving an inviolable secrecy, and a profound silence. It was but that day se'nnight, his Lordship said, when he had felt it his duty to trouble the House with a speech of considerable length, in which he had endeavoured to state in the detail, all the information that appeared to him necessary for their Lordships to be possessed of, in order that they might clearly comprehend the circumstances that had governed the conduct of His Majesty's Ministers, and the principles on which they had acted. As in that long and rather laborious effort he had endeavoured to state every thing that seemed requisite for their Lordships' information, he had flattered himself with the hope that the account he had then stated had proved satisfactory, and that in so short a space as six days, he should not have been told that Ministers had preserved a profound silence. The present motion,

though differing certainly in form from thofe made laft Monday, tended evidently to draw on a difcuffion, fimilar in fome fort to the former one; he knew not, therefore, how to anfwer the call of thofe noble Lords who had demanded explanation, otherwife than by going into a repetition of what he had ftated in his fpeech of Monday laft, but that muft appear dull and tedious to the Houfe, if given at the fame length as before; he would, therefore as fhortly as poffible, ftate the principal grounds on which he refted, what he conceived amounted to a full and complete juftification of His Majefty's Minifters. He then ftated the objects of our interference between the Porte and Ruffia, in whofe quarrels Britifh interefts were materially concerned, as well as the intereft of our ally the King of Pruffia. He defcribed the ambitious views of Ruffia, to drive the Turks out of Europe and make herfelf miftrefs of the Black Sea, and thence render herfelf a maritime power, formidable to this country. That Ruffia had been long actuated by fuch an ambition, he faid, was evident from the Hiftory of Europe, from which it might alfo be feen, that this country had thought it her intereft to watch over and to prevent attainment of that object, as often as its approach appeared to be near at hand. He gave an hiftorical detail of the conduct of Ruffia, with a view to accelerate this her great object from the time that Peter the Great afcended the throne, to the prefent period. He particularly adverted to the treaty between Ruffia and the Porte in 1736, when Great Britain and Holland united in an interference, and when France left it to them to take care of the intereft of the maritime powers of Europe. After a full detail of the conduct purfued by Great Britain and Holland in 1736, and a ftatement of its effect, he faid, however it might be denied out of doors, he trufted it would be admitted to him by every man within thofe walls, that this country had an intereft in the concerns of the Continent, and moft materially in the conduct of Ruffia. He then ftated that it was to the favour of this country that Ruffia owed the weight fhe poffeffed as a maritime power in the fcale of Europe; that we had repeatedly affifted her in that object; and that in the laft war, when this country ftood in a fituation too well known and feverely felt to render the painful repetition of it now neceffary, Great Britain had flattered herfelf that fhe might then fuccefsfully call upon

the gratitude of Ruſſia, and profit by that marine which had become formidable under her own auſpices. How Ruſſia at that time conducted herſelf was well known, and would not ſoon be forgotten. For any man to maintain that it was of no conſequence to this country, whether Ruſſia was permitted to drive the Turks out of Europe, and make herſelf formidable in the Mediterranean, as a maritime power, it might with juſt as much reaſon have been contended, that it was of no conſequence to Europe, whether Lewis XIVth had been ſuffered to poſſeſs himſelf of the kingdoms of Spain and Portugal, when that ambitious Monarch aimed at that great object. On the late occaſion, His Majeſty's Miniſters thought it their duty to interfere between the Porte and Ruſſia, and in order to give weight and force to their negociation, to arm in its ſupport. But when they found, in conſequence of difficulties thrown in their way, both here and at Peterſburgh, that their object was not likely to be attained, and moſt of all when they learnt that the people of this country were diſinclined to go to war with Ruſſia, they changed their opinions, and endeavoured to obtain peace for the Porte on the beſt terms that they could procure by every means ſhort of going to war. In a Government conſtituted as that of this country was, he held it to be the indiſpenſable duty of the executive Power to build its meaſures on the opinion of the people. On that opinion His Majeſty's Miniſters had acted, and he truſted no man would impute blame to them for having forborne to engage the country in a war, to which the nation had clearly ſhewn they were adverſe. If he were aſked, whether His Majeſty's Miniſters thought Oczakow an object of no importance, he declared he ſhould anſwer that they all along thought it an object of great importance, both to Ruſſia and the Porte; to the latter as an object of defence, to Ruſſia as an object of offence; but then the importance of every object muſt be meaſured by the extent of the exertions, and the expence neceſſary to enſure it. So, having made this calculation, and learning that the ſenſe of the people was againſt a war, His Majeſty's Miniſters, without thinking leſs than they all along had thought of Oczakow, had changed their conduct reſpecting it. The ſyſtem to be purſued for this country at preſent, undoubtedly was a ſyſtem of peace, a ſyſtem proved to be the beſt, and acknowledged to be ſo by other Powers; to that

ſyſtem His Majeſty's Miniſters were determined uniformly to adhere, and its continuance depended greatly on the general tranquillity of Europe. With regard to the papers withheld, they contained matter improper for general communication.—He admitted the right of Parliament to call for papers; nay he would not deny that there might exiſt an extreme caſe, when an occaſion might preſent itſelf ſufficiently ſtrong to warrant Parliament's calling for all papers of every deſcription, without regard to the inconvenience of publiſhing State ſecrets, but he could not conſider the preſent as one of thoſe caſes or occaſions. Hints had been ſuggeſted, that Miniſters, to ſave their own honour, had tarniſhed the honour of their country; the honour of Miniſters, and the intereſts of the country might ſometimes be in oppoſition to each other, if ever ſuch a caſe ſhould occur, in his opinion, thoſe Miniſters, who did not, at the riſk and hazard of all that was perſonally intereſting to themſelves, act for the honour and intereſts of their country, in his mind they deſerved not only the ſevereſt cenſure, but the moſt exemplary puniſhment. He could not readily conceive that the honour of any Miniſter could be ſeparate from the honour of his country. Sure he was, that the latter ought to be the ſole object of every Miniſter, and ſhould ever be his. After having very amply urged the circumſtances which he conſidered as a full juſtification of His Majeſty's ſervants, his Lordſhip apologized to the Houſe for having ſo long intruded on their time, and ſaid, that as long as he ſhould have the honour of continuing in office, he ſhould hold himſelf reſponſible to that Houſe, and to his country, for every meaſure of Government, and ſhould be ever ready to ſtand up and avow the principles on which ſuch meaſures ſhould be taken. He juſtified His Majeſty's meſſage of laſt ſeſſion, on the ground of parliamentary precedent, and reminded the Houſe, that they had laſt year honoured His Majeſty's Miniſters with an expreſs vote of approbation for their conduct with regard to the Spaniſh armament, which had not, he ſaid, been occaſioned by the caſual meetings of two ſhips, but in conſequence of the inſult this nation had ſuſtained by the avowal of the injury done by the Court of Spain, which declared it had authoriſed what had happened, and at the ſame time ſtated claims unheard of before, and which were inconſiſtent with the honour and intereſt of Great Britain.

With regard to the motion on the table, as the House had lately given its opinion on the subject, and as he was not aware of any thing having happened within the past six days to induce them to change it, he trusted that the majority of their Lordships would concur with him in giving it their negative.

Lord DARNLEY said, he had troubled their Lordships so much at length a few days since on the subject of the Russian armament, that he would only intrude upon their Lordships' time for a moment or two. He then said, that he concurred in the motion made by his noble friend, because Ministers had not obtained their object by the armament. They had declared they had called upon the country to arm, in order to prevent Russia from aggrandizing herself at the expence of the Porte, their armament had not prevented Russia from doing all that she either intended or desired, and therefore they merited censure for having put the country to a needless expence.

Lord LOUGHBOROUGH said, that the topic seemed to him to be of very considerable importance. It was so to the people of this country, for it involved a consideration of the most material interests. It was so to the Ministers, for it took into view a material part of their conduct. The noble Secretary of State had said he could do but little more than recapitulate what he had said on a former occasion, for this there seemed to him to be no necessity; for the question lately discussed in that House, and the one now before their Lordships, were so different, that they could be considered even without a reference to each other; the present subject had nothing to do with the former debate. It was true, that they both arose out of our late armament against Russia, and so far they might be said to be connected, but there ended their connection. For, on the former occasion, the whole turned on a question of fact, and a general conclusion on that fact, whether Parliament should agree to support an armament against Russia; on which topic there was much discussion, and the political interests of this country and of Russia were involved in it, and yet the whole of it might have been followed up to the present moment without there being any idea of the present motion. It gave him pleasure, however, to learn from the noble Secretary of State, in his allusion to the debate of last year, that the disposition still is

of this country, to be pacific. This was a point that was mentioned with very becoming force, and gave him considerable pleasure to hear. Thus stood the point generally. On the occasion of that debate there were some reasons given; it was true, he thought them very insufficient, but there were some reasons given why a pacific system should not be pursued, and therefore a considerable armament took place for obtaining certain purposes; and here he must observe, that when any measure of such hostile preparation was adopted, he held it to be essential to the honour, wealth, and ultimately to the prosperity and happiness of this country, that we should evince a character, that our resolutions, justice, force, and firmness were seldom or never severed from each other: nothing would contribute to the respectability, and even to the œconomy of a country more, than the character of firmness in this respect.—Parliament, confiding in the officers of the executive Power, agreed to this measure, and, in his opinion, much too hastily, for we should not be too ready to dictate to others by armed force under the title of negociation; attempts to disturb the tranquillity of Europe were not honourable to us. Whether the conduct of Ministers was quite so able in the origin of the business as their best friends could wish, was not a question now to be discussed. Supposing it to be so, the motion of his noble friend was not on that account the less necessary. For the question was not now, whether they ever deserved confidence from Parliament; but whether, after having that confidence, they had not abused it? Upon this subject, Ministers seemed to him to have no apology to offer; for the armament, when agreed on, was granted with a view not to proceed to actual hostilities. The opinion of the Public was decidedly against it. He believed, that the opinion even of Parliament was against it. He was convinced, that the discussion in that House, and in another place, opened the subject to the public view very much, and that it was very odious to the Public. He was convinced, that the vote given in favour of this armament, was a vote purely of confidence; not confidence that the force was wanted, but that it would not be used. What arguments could be urged in favour of such a measure, what demonstration could be made of the utility of having a force that was not to be used, he was not able to discover. But it was matter of

indifference to him, whether this armament was of consequence, of advantage to this country, or of no advantage. Whether the territories contended for by the Empress, were fertile or barren. The question now before their Lordships had no reference to these points. It was merely whether confidence had been abused? He could not, however, help remarking on the variety of points with which Ministers offered to defend themselves. At one time Oczakow was represented as a place of the greatest consequence, and the Empress must not have it.—It was of the greatest consequence to the Turkish Empire that she should give up the possession of it immediately. This was the language of the address to the King, when Parliament agreed to the armament. This is told to the Empress. She refuses to give it up. The Ministers consent that she shall retain it; but not content with that, afterwards they turn round and tell the Turks, that Oczakow is of no importance; and not only that they ought to give it up to the Empress, but that they must give it up; and that if they will not, they shall be abondoned to all the calamities of a protracted war, be their fate what it may. Both these could not be right. Either Ministers were first wrong in interfering, and promising to procure the cession of Oczakow, or, having made that promise, wrong in giving up the contest about the cession of it. But for the sake of the argument, he would admit the prudence of our interference on this occasion. He would admit, that the whole of this measure originated in a policy of keeping up the balance of power of Europe. But then they had obtained nothing;—they thought at first that Oczakow was valuable; and yet, that the Empress might be prevailed on to give it up. Be it so. But then what was to become of the Court of Constantinople? Why was its interest abanonded? Why did we promise to procure for it terms, and afterwards abandon them? Why, in short, did we interfere?

As to the confidence which had so often been said was necessary, he was not desirous of disputing a point so clear in itself; there was a certain share of it always to be given to the officers of the executive Power; but he also must observe that they should never proceed on measures that were avowedly against the general sense of the people, without being sure of obtaining for them some substantial advantage, and this was not the case:

indeed no advantage would be obtained to this country by commencing hoſtilities againſt any power at preſent. Peace ſhould at all events be our wiſh, and a continuance of it our object.—Nor was there any thing at the preſent moment in any of the powers, nor was there any where in Europe a proſpect that ſhould lead us to a wiſh for diſpute, or that could reaſonably induce us to apprehend any danger. We ſhould cultivate the arts of peace—it was to the advantage of England to do ſo—by peace ſhe might hope to flouriſh; and when Miniſters neglected theſe points, and called for confidence, they ſhould be told that they forget they are the ſervants of the people

The extent to which this call for confidence has been carried, was not more extraordinary than the manner in which the anſwers of the Miniſter were given—"I have given you my account," ſays the Miniſter, when he laid the papers on the table.—"We are not ſatisfied with your account," ſays the Parliament.—"You do not mean to blame me?" "If you do, I muſt tell you, that you are forming an opinion without proper information—I have other papers not before you, on which I formed part of my conduct, and without knowing them, you are not competent to judge upon the matter."—"Why do you not produce them?"—"Oh! no, I cannot do that, you muſt either approve or condemn on what you have before you."—"Do you reſt upon thoſe already before us?"—"Yes, for your vote; but I tell you, that you may form an opinion on which to give that vote, that I have other papers behind which would decide the whole at once; but you muſt not ſee them." Was this at laſt the condition of thoſe who wiſhed the Houſe to vote for them upon confidence? After having acted upon confidence ſo long, they would not produce the very thing which was the only pretended apology for aſking it. Thus they ſet praiſe by anticipation againſt a concluſion of blame. Nor was the effect of this armament trifling! although the armament was nothing; for it ſhould be remembered, that the commercial concerns of this country were a great while affected. The moſt uſeful men we had were ſubject to long apprehenſion, and ſome of them ſuſtaining the hardſhips of the impreſs ſervice, and others who were proprietors of different articles of merchandiſe, rendered

uncertain as to the safety of their trade. These were serious points of inconvenience.

He then ridiculed the pretended plan of the necessity of an interference, and gently hinted at the general observation made by the noble Secretary of State, who had on a former debate pressed into his service some thoughts on our affairs in India. He could not help observing to a friend of his on that night, that the debate seemed to him to belong rather more to the conduct of Tippoo Saib than the Empress of Russia. Our interference in this case he treated with pointed severity; he saw no reason for our becoming all at once so deeply interested in the navigation and commerce of the Black Sea. He maintained that the whole of our conduct in that respect was ridiculous.—But the mischief did not end there, we hazarded much in the commerce with Russia; great part, if not the whole, of which we might have lost by this armament. Here his Lordship enumerated the advantages of our Russian trade. He then came to the period of the resignation of the Duke of Leeds, of whom he spoke in the most handsome manner. He then took a general view of the nature of our negociation with Russia, the manner in which it had been carried on, the rashness with which the British name was committed to obtain what we had afterwards been compelled to relinquish; the absurdity of keeping up an armament long after we had given up all hopes of obtaining, by our interference, what we had fought for, and threatened to compel by force; the notorious public manner in which it was said, even in every letter, by almost every merchant who made any consignment to Petersburgh, that the Court would recede---the giving up of all in dispute by our Ministry, on the very point on which the contest was said to turn; but above all, after all this, and for months, the continuance of our armament for no good cause, and to produce in effect nothing but the ridicule and contempt of all the other Courts of Europe. These were the points on which it was clear the Ministers had abused the confidence of Parliament, and these that made him declare it to be his opinion, that the motion of his noble friend was as fair, as just, as reasonable, as honourable, as constitutional, as any that ever, to his knowledge, was made in that House. It was necessary that the sense of the people of this country should be fairly represented.

It was necessary, as many noble Lords in that House had said the policy of Great Britain should be pacific; it was necessary that the conduct of this country should conform to its language. It was necessary that all Europe should understand that there was no false light cast upon our words; that when we said we were well disposed for tranquillity, we were sincere; and above all, that we did not hold out a false glare for mere show, when there was not a single point remaining to be gained.

The LORD CHANCELLOR said, the question was, whether, under the actual state of the whole case, Ministers had acted wisely, or unwisely, in continuing the armament to the time they had continued it—whether they should have dropped it sooner, and carry on a treaty without it, or that they did right in negociating, while they were thus armed? He did not see that most of the points that had been urged on this occasion, did belong to it; they were properly the subjects of the last debate; nor did he see for what proper reason they had been introduced into this; whether the conditions, on which the whole was terminated, were the most wise that could by any means be obtained, was not the question now before their Lordships. But the point now at issue was, "whether they "could have obtained the terms which are agreed on without "this armament?" He thought these terms could not have been obtained, such as they are, good or bad was another question, if this armament had been discontinued; and he thought that time would be mispent by urging topics on it, which he had witnessed in the course of this debate. Many of them had been fully discussed before.

He could not bring himself to think that the whole of our interference was improper, in the present instance, with regard to Russia. That we should not trouble ourselves on any account with the affairs of the other powers of Europe, was not what he could bring his mind to assent to; nor was the doctrine, in his opinion, such as ought to be countenanced in Parliament. Was it decent in that great Council of the British nation to say, "We have no interest whatever in the af-"fairs of Russia. She may pursue what steps she pleases for "the aggrandisement of herself, and make what encroach-"ments she pleases on other powers. We shall not interfere, "although she may endeavour to destroy, as far as she can,

" the balance of the power of Europe?" He ſhould think every thing was wiſe, that went to the converſe of that principle; and that it was dangerous to ſuffer any thing to go forth, that would convey to any power in Europe an idea, that ſuch were the Councils of the Court of Great Britain. Such an idea ought to be refuted, that the different powers of Europe may underſtand that we cannot with indifference view two countries ſtruggling, nor remain idle ſpectators, when one of them threatens the other with deſtruction.

As to the policy of France on many paſt occaſions, on which hints had been lately made, and particularly on the conduct of that Court towards the Porte, he believed he might ſay without fear of contradiction, that there never was a ſyſtem of more conſpicuous duplicity and folly than that adopted by the Court of Verſailles towards the Porte. France had in theſe points abandoned the moſt faithful convention ſhe ever had. There never was ſo complete a ſpecimen of pitiful Court intrigue as France had diſcovered in its conduct to the Court of Turkey, nor any thing that could be deemed more unwiſe.

He then took notice of the general obſervations made on the conduct, the diſpoſition, and the views of the Empreſs, and was far from ſeeming to join in the praiſes beſtowed on her character for moderation, and other political virtues. He maintained that the views of the Empreſs were much too high and ambitious, and that ſhe would, if ſuffered, encroach on the other powers of Europe for her own aggrandiſement, in which caſe it was neceſſary to interfere. This being neceſſary, a queſtion remained, " Whether we ſhould have had the terms " we have, if our armament had been diſcontinued?" Upon this a great deal of information was before the Houſe from the papers, of the regular and croſs negociation---and he confeſſed, that on viewing the whole, he had much doubt whether we ſhould have had the terms we have, had it not been for our armament. Had we diſcontinued this armament, who would undertake to ſay how far the Empreſs would go in her demands? What bounds would any man undertake to ſet to her ambition, if there was nothing to oppoſe her? He believed, that moſt of theſe points were determined by the point of neceſſity. He had never heard or read in hiſtory of any queſtion decided by any two countries, where the whole of it was not governed by the

point of neceſſity. Would it, therefore, have been adviſeable firſt to diſarm and then to propoſe the terms? The caſe ſeemed to him ſo clear, and the queſtion ſo ſhort, that the greateſt volubility of eloquence could not extend them, and to debate the point muſt occaſion ſome impatience. The negociation, but for the armament, would and muſt have been carried on in a very different manner, and they would have been obliged to purſue very different meaſures, had they not taken the ſteps they did on this occaſion.

Lord STORMONT ſaid, the topics ſelected as the grounds of defence for the conduct of Miniſters, were rather calculated to ſupport the line purſued by the noble Duke, who approved the principle of the armament, and reſigned his official ſituation when the principle was abandoned, than that of his former colleagues. The change of opinion on which they acted muſt have taken place before the reſignation of the noble Duke, and a reference to dates would ſhew, that the fact of an armament being undertaken, could not then be known by many parts of the country, and conſequently that Miniſters had not changed their opinion, and abandoned their ſyſtem, in deference to public opinion. The change, it was clear, muſt have taken place before the public opinion could be formed, or at leaſt before it could be known. It was equally unfounded that the public opinion, when formed and expreſſed, was adverſe only to the employment of the armament. It was adverſe to the equipment of an armament, becauſe no adequate cauſe for it could be ſhewn. It was one of the charges againſt ambition, that it regarded not by what effuſion of human blood any favourite object was obtained The charge on the preſent occaſion was applicable to Miniſters, for their interference had prolonged, if not aggravated the effuſion of human blood. The Turks, in whoſe behalf we had interfered, were charged by Ruſſia with being the aggreſſors in the war. The charge had never been abandoned, and as far as appeared by the papers preſented for the information of their Lordſhips, was proved, and at laſt admitted. The Turks, it was ſaid, were to be pitied. He pitied them moſt ſincerely—pitied them as deluded by hopes of aid that could not be realized, by promiſes of mediation which ſerved only to increaſe their loſſes, and add to the humility of their ſubmiſſion. A noble and learned Lord had alluded to the

mockery of friendship with which the Turks had been treated by France, and the policy of any other power, endeavouring to merit by substantial services the commercial advantages which France had obtained by unsubstantial professions. They had found, it was to be feared, on the late occasion that they had only exchanged the mockery of French friendship for the grave, but equally unsubstantial, professions of the British Cabinet. What their sentiments on the subject might be, he professed not to know; but it was not possible for him to imagine on any view of our conduct that it had been such as to supersede France in their good opinion. They would probably say, "*Tros, " rutulusve mihi nullo discrimine agetur*"—in whatever Christian Power we confide, the event is the same. Russia had not risen in her demands, either on the prospect of our being embroiled with Spain, or on the more certain ground of her own successes, and she had not yielded a single point to the terror of our armament. It was therefore unnecessary in the first instance, and useless in the second. If the terms she obtained were such as she ought to have obtained, and that they were so was not now attempted to be denied, why not propose them without an armament, since all that they differed from her own could not have occasioned half an hour's negociation. The navigation of the Dniester, like the hero of a late tragedy, it had been said, did not appear till the latter part of the last act. It might be added, that like the same hero its part had been cut out by a judicious alteration. The free navigation of the Dniester, the sole fruit of our armament, depended on the Porte engaging to protect it as well as Russia, and there was reason to believe that the Porte would not consent to that stipulation, so that Russia would be absolved from her engagement, and not a trace of our negociation remain but the folly and the expence. On these grounds he should vote for the motion, as a fair logical deduction from the premises.

Lord HAWKESBURY said, that although the opinions delivered by their Lordships were now made more public than they formerly were, he should not be deterred from delivering his sentiments. The question, as a noble and learned Lord had well observed, was reduced to the single point of the policy or impolicy of dismissing the armament, before the negociation which occasioned it, was closed. It was clear, that the

terms propoſed by Ruſſia, in the firſt inſtance, were higher than thoſe of which ſhe accepted, and that ſhe did not begin to recede till the negociation at Reichenbach was ſo far advanced, as to ſhew that ſhe muſt ſoon be deprived of her ally. If, therefore, we had diſmiſſed our armament before the negociation at Peterſburgh was cloſed, it was to be apprehended, that elated with ſucceſs, ſhe might have returned to the terms from which ſhe had receded. It was, beſides, to be conſidered, that we had armed in concert with our allies, and ſurely it would not be contended that we could diſarm but in concert, or leave Pruſſia to be attacked on the confidence that our aid was effectually withdrawn. He admitted that public opinion was againſt a war with Ruſſia; that the people of this country not underſtanding the value of Oczakow and its diſtrict, were averſe to a war, of which that was the oſtenſible object; but it would hardly be contended, that becauſe Miniſters reſolved not to hazard a war againſt the ſenſe of the country, they were therefore to abandon every part of the ſyſtem which they had adopted on good and ſufficient grounds, and which they ſtill thought of importance to the political and commercial intereſts of the nation.

Lord PORCHESTER ſaid, the terms to which the noble Lord alluded, as receded from by Ruſſia, were given up long before the accompliſhment of the convention at Reichenbach, and were in fact never heard of after December 1790. With them therefore our armament had nothing to do. A noble Lord had ſaid it was equipped to ſupport Mr. Fawkener and Mr. Whitworth againſt a croſs negociation at Peterſburgh.—What did the noble Lord mean by a croſs negociation? Their Lordſhips knew of none. If the noble Lord knew of any, why did he not deſcribe it? Was the inſinuation thrown out to give weight to a calumny too black to be avowed, and too abſurd to gain credit without ſuch aid. In all that had been ſaid, nothing had appeared to contradict the ſubſtance of the motion, viz. that the armament was continued after the principle was abandoned, and that what was communicated to every Court of Europe was concealed from the Britiſh Parliament. That we had not continued the armament on any diſtruſt of the profeſſions of Ruſſia, was evident from this, that

we had disarmed at last with nothing to trust to but the bare word of Russia.

Earl STANHOPE said, he would not at that late hour detain the House long, but it was necessary that he should state the reasons for his vote that night. He had been one of those, his Lordship said, who had opposed the war with Russia last session, because, with the majority of the people of this country, he thought the war not founded in justice, not founded in policy, and not founded in necessity; but because he had opposed the war on those principles, it did not follow that he should vote for the motion then before their Lordships. Most certainly he should not, because he was glad to find that Ministers had changed their minds, and yielded up their own individual opinions in compliment to the opinions of the people of England. He thought, so far from deserving censure for this, all who had opposed the war, because they considered it to be unwise, unjust, impolitic, and unnecessary, were bound to thank His Majesty's Ministers for not having gone to war, and for having suffered themselves to be influenced and governed by the opinions of the people. Instead of blame, Ministers deserved the highest approbation for attending to the opinions of the people. He said, he hoped he should hear no more such doctrines as that the opinions of the people could only be collected in Parliament. He well knew that the opinions of the people might be taken out of doors individually, they might be taken out of doors collectively. His Lordship declared he was not one of those who held the mad and detestable doctrines of some wild enthusiasts, who were for pulling down the constitution of the country and building it up anew. It had lasted for ages, and he hoped it would continue to last for ages. It was not, perhaps, so entirely perfect as the mind of man could make it; but it was all that reasonable beings could expect or desire, and he trusted that it would be held sacred. Let them have what petty differences they might among themselves; let there be differences between the Master General of the Ordnance and the Chancellor of the Exchequer; between the two Secretaries of State, between the Chancellor of the Exchequer and the noble Lord on the woolsack, he hoped that there was not a man in the country who would not unite boldly and manfully to support the constitution. It was clearly the object

of univerſal envy. Thoſe who had felt it neceſſary to frame new conſtitutions for their country, had ſtudiouſly imitated the Britiſh conſtitution. All that was excellent in their conſtitution, all that tended to give freedom, happineſs, and ſecurity to the ſubjects in France, had been imitated from our conſtitution. They had copied their declaration of rights from our bill of rights, they had copied our Habeas Corpus act, they had copied our trial by jury, and they had copied our freedom of the preſs. If ſhort, all that was excellent in their conſtitution, was imitated from ours. France, he ſaid, he had the happineſs to know, had for a long time paſt felt a growing attachment to this country; and the name of an Engliſhman was become popular throughout that kingdom. It was the undoubted policy of this country to cultivate the friendſhip of France. United with her, we could preſerve the balance of Europe, and awe the neighbouring ſtates from projects of aggrandizement and ambition. Great Britain and France had, he ſaid, too long conſidered themſelves as natural enemies, and preyed upon each other; true policy pointed to a very different ſyſtem, a ſyſtem that he hoped would be ſteadily adhered to. He was glad to hear what had fallen from his noble relation, (Lord Grenville) and he hoped he had underſtood him correctly, when he underſtood him to ſay that His Majeſty's Miniſters were determined to make pacific meaſures their uniform object. It was on a continuance of the advantages of peace, and that only, that the increaſed and increaſing proſperity of this country depended. It was our intereſt to preſerve external peace, and to avoid internal commotion; and he hoped His Majeſty's Miniſters would at all times vigilantly watch a neighbouring kingdom, and prevent any European Power from obtaining an undue influence over her. France had national property to the amount of one hundred and ſeventy-five millions, not millions of French livres but millions ſterling. We had no ſuch thing. France, notwithſtanding her infinite reſources, was greatly diſtreſſed. What then ſhould we feel, if without ſuch reſources, we engaged unneceſſarily in war? The ſyſtem of peace was the ſyſtem of policy moſt proper for us, and he hoped it would be ſeduloully cultivated. His Lordſhip concluded with declaring that he ſpoke his ſentiments as an independent man, under the banner of no party,

and that he thought Minifters rather merited praife and thanks for their conduct, than reproach and cenfure.

The queftion was put on Lord Porchefter's motion, and the Houfe divided,

Content	—		19
Not Content	—	82	98
Proxies	—	16	

The Houfe adjourned.

Wednefday, 29th February.

The Land Tax bill, and the Marine Mutiny bill, were read a fecond time, and ordered to be committed.

The Houfe adjourned.

Thurfday, 1ft March.

The bill yefterday brought up for taking off certain taxes, was read a fecond time, and ordered to be committed for next day.

The Houfe adjourned.

Friday, 2d March.

Read a third time the Land Tax and Malt bills, and the Marine Mutiny bill.

The bills to repeal taxes as opened in the budget were read a third time and paffed.

The Houfe adjourned.

Monday, 5th March.

The bills for repealing taxes on female fervants, windows, carts and waggons, &c. paffed the Committee, were reported by the Duke of Athol, and ordered to be read a third time to-morrow, if then engroffed.

Lord RAWDON faid, he fhould not trouble the Houfe with moving that their Lordfhips be fummoned; but he believed, that fome converfation might take place on this fubject to-morrow.

The Houfe adjourned.

Tuesday, 6th March.

Upon the motion for the third reading of the bill to repeal the tax on female servants,

Lord RAWDON said it could not be imagined that he rose to oppose the repeal of a tax that he had always thought was very improper to have been laid on; and he equally reprobated its origin, operation, and tendency. In expressing his sentiments upon this subject, which had not originated in that House, and for the effects of which he could lay no blame upon their Lordships, he hoped he would be indulged to make some general observations upon that and the other bills for repealing taxes, although they were not all before the House at present. He did this the more readily, because, though the Minister who brought forward those bills did not sit among their Lordships, yet he was represented by a noble Lord, who, as a Member of that House, and particularly conversant in all matters of finance, was perfectly able to answer satisfactorily any remark that he might make. How it happened he did not pretend to say, but it appeared, that the business of finance and the trade of Parliament seemed to be much connected at present; and that those points were more attended to than what particularly interested the country. With regard to the the tax now before the House, he had always reckoned it a bad one; he thought that females having so few ways of getting a livelihood, ought not to have been selected as a proper object for oppression. He said they were entitled to the protection of the other sex; but it was not on a question, where their Lordships' feelings must be unanimous, that he called their attention. It was to the nature and motives for those bills to repeal taxes, which Ministers wished so much to avoid going into.—There had been much boasting and triumph about the flourishing state of the country under the present administration, which gave an opportunity of lessening the burdens of the people; now he agreed perfectly, that the state of the country was what Ministers called it, prosperous and flourishing; and he would go farther, he would say that they had made a very judicious choice of the taxes most proper to be taken off, yet he would not allow that the prosperity of the country followed

from the line of conduct which Minifters had purfued, or that the repeal of thofe taxes was the beft method of alleviating the burdens of the people. It muft be notorious to the country that a great fum of money had been lavifhed lately, and he could not fee that repealing a few of the worft taxes, fome of which the fame Minifters had laid on, was any compenfation. If it was meant to alleviate the burdens of the people, let it at the fame time be confidered who had brought thofe burdens upon them, and what comparifon the relief bore to the grievance. He referred to a publication which had been circulated with great induftry, on the revenue and finances of this country, and though not avowedly fent from Minifters, it infinuated to thofe who read it, an idea which was the obvious intention of it, that the profperity of the country was entirely occafioned by the exertions of the prefent adminiftration, an idea extremely fallacious, and which to be refuted, required only to be inveftigated. He came next to ftate the increafe of the Excife duties, and to account for them in a variety of ways entirely unconnected with the conduct of Minifters; and the rife or fluctuation of the public funds he confidered as no criterion by which to judge the profperity of the country; on this part of his fubject he particularly mentioned the growing increafe of country banks and their tendency, which he thought very prejudicial to the country; to examine minutely into the advantages or difadvantages of extending the ufe of paper currency would be a queftion of deeper fpeculation than he meant to enter upon at prefent; but he contended that in all the manufacturing counties this circulation of paper had increafed, and many manufactories had been fet on foot in confequence of it, becaufe people would be much readier to give credit, when they could do it by iffuing their notes, than when real money was to be given. Thofe who got the money into their poffeffion for iffuing bills, took care that it fhould not remain ufelefs on their hands, and therefore bought into the ftocks; the increafed demand for buying into the funds therefore he confidered to arife from the increafed circulation of paper. He then obferved, that in the fame publication a comparative ftatement had been made of the exports in 1783 and 1790, wherein the balance was ftated to be much in favour of the year 1790, but however ingenioufly that was put, he thought the only fair

way to know whether the trade of a country was for or againſt it, was to ſtate the amount both of the exports and imports at the given period. If this was done, he contended that thoſe who argued for the latter period, would be found in the wrong, for he could make it clear to the Houſe that the balance of trade, upon a juſt calculation, was more in favour of this country in 1783 than in 1790. His Lordſhip entered into a very minute and accurate detail of the imports and exports, as well as the general ſtate of the finances at the different periods alluded to, from all which he drew inferences which corroborated his arguments. His intention was not to make any motion, but to undeceive, by his obſervations, thoſe who might be deluded by the ſtatement which Miniſters had thrown out as a bandage to cover their motives, by a ſet-off of repealing taxes, to compenſate for a fooliſh and wanton extravagance and waſte of money. If it had really been meant to leſſen the burdens of the people, that might have been more effectually done by paying off the national debt with the boaſted ſurpluſſes, than repealing taxes. Upon the whole, it was evident that His Majeſty's Miniſters ſaw the unpopularity that attended the Ruſſian armament, and thought neceſſary to hold out the compenſation of repealing taxes. The propoſition with which he meant to conclude was, that the preſent remiſſion of taxes did not proceed from the motives which it aſſumed, viz. alleviating the burdens of the people, but from a wiſh in His Majeſty's Miniſters to get free of the juſt and decided odium that followed the Ruſſian armament, by a flattering ſtatement of the national finances, and repealing taxes to compenſate for their folly and raſhneſs.

Lord GRENVILLE anſwered the obſervations of his Lordſhip, complimented the talents and eloquence of the Miniſter who had ſo clearly and ſo ably ſtated the income and expenditure of the country. He maintained that the conſideration of the balance of the trade, whatever it might be, was not to be the guide of our opinion on the ſtate of the revenue of this country as to its probable increaſe or decreaſe. He maintained, and referred to Dr. Adam Smith's Wealth of Nations as authority, that by our imports and by our exports we ſhould judge of the proſpect of our revenue, as any body of merchants would do on their imports and exports. If this mode of cal-

culating was true in one inſtance, it was true univerſally.—— From theſe points he juſtified all the calculations already made by the officers of Government upon this ſubject. In this ſituation we had a ſurplus of a conſiderable amount, and the queſtion was, how that ſurplus ſhould be diſpoſed of?—Whether the whole ſhould be applied to the reduction of the national debt, or the whole to the reduction of taxes? Or that it ſhould be divided between theſe objects? The latter of theſe had been adopted, and in his opinion, wiſely. He entered then into reaſoning in ſupport of this opinion, in the courſe of which he obſerved that the taxes in queſtion were at firſt reluctantly impoſed, muſt be confeſſed to be oppreſſive in their nature, and that the repeal of them muſt be an object of great ſatisfaction to every friend to this country.

The Earl of GUILDFORD ſaid, he ſhould differ from both the noble Lords who had delivered their ſentiments. He thought himſelf bound to take this opportunity to do ſo. He feared he ſhould deliver a doctrine that was at this time very unpopular, but this conſideration ſhould not deter him. Whether the taxes now propoſed to be repealed were wiſe meaſures when they were adopted, he knew nor cared not; but having been adopted, whether they ſhould now be repealed was the point that he ſhould call on the Houſe to diſcuſs. Having reflected on the whole of the conduct of Miniſters, and particularly on ſome late tranſactions, without any ſpleen againſt the perſons concerned, and viewing the whole as calculated either to be attended with good conſequences, or more likely to produce bad ones, yet he would frankly declare, that he thought with the noble Lord who ſtated that the Ruſſian buſineſs had produced this premature reduction of taxes. Whether this particular tax, namely, a tax upon maid ſervants, or rather on thoſe who kept them, ſhould be repealed, was a queſtion on which he was ready to deliver his opinion, and he freely confeſſed he thought it ſhould not. He was of opinion that this ſum, received from the people for the ſupport of the public ſafety, ought not to be taken off. Nothing was more diſagreeable to any perſon in office than to propoſe taxes; when he propoſed them, he did it becauſe he thought them neceſſary for the ſafety of this country; and in all he had done he ſhould be

willing to ſtand or fall, on the queſtion of the propriety of the taxes, compared with the ſituation of this country, when he propoſed them.

The tax which was likely to be the means of creating popularity by its repeal, was that which was now before the Houſe. To this repeal he had an objection. But firſt he would ſtate another objection which he had to the foundation of theſe proceedings of the reduction of taxes. He objected to a particular circumſtance that might more properly be ſaid to belong to another place, but which, in his opinion, ought to be noticed by their Lordſhips. He meant that part of the King's ſpeech by which notice was given of the probable repeal of the taxes. This part of the ſpeech from the Throne he did not ſay was immediately contrary to law, or to the principles of the conſtitution of this country, but it certainly was very uncommon that the Prince from the throne ſhould recommend to the conſideration of Parliament, or properly ſpeaking, to the Houſe of Commons, any particular object in the point of finance, as worth their attention; or that no ſuch inſtance occurred before he would not ſay, although he did not recollect any ſuch, except that of the hearth money; and this was ſo well known to be a tax againſt the ſpirit of the people, and ſo very oppreſſive to them, that it was nothing more than obeying the general voice to repeal it; and yet, even in this caſe, when the Prince made this recommendation to Parliament, it was accompanied with a requeſt that Parliament would deviſe ſome other means to make good the deficiency which this repeal would occaſion. But ſuppoſing this to be regular and correct, he ſaid he did not object to it as a Peer of Parliament, upon that particular ground, but he objected to it as a meaſure that ſhould not be adopted at all.

The grounds upon which he made this objection, and on which he diſapproved the propoſed reduction of taxes, were, that he conceived the preſent ſituation of this country to be ſuch, that there could be no object ſo beneficial to its intereſts, as the reduction of the national debt, and to which the ſurplus of our revenue ſhould be applied, in preference to any other object. And as to the amount of this debt, he was ready to confeſs, he did not view it with the terror that ſeemed to be felt in general. He did not think ſo much of the ſize of it at

present, as of the danger of its growing greater, and at last becoming too great for us to bear. To illustrate this, he observed, that we were at this time far from being in a desperate state, or in a state that we ought to despond; for if we looked at this time, as compared with the time of the revolution, when this country had no debt; if we looked to the time when we first had any transactions of money on the score of public credit, we should find that money was raised at the rate of seven and eight per cent. interest; now, with all our debt, the interest was hardly three per cent. This was to him proof that this country at this moment, with all its debts, was in a better situation than at the time when we had no debt. All descriptions of men in this country were more comfortable, in point of wealth and other advantages, at this moment, than they were an hundred years ago: notwithstanding all the taxes imposed on the people of this country, and the sum which they were called upon to contribute to the public burden, still what they had left for their own comfort was much more than the people of this country had one hundred years ago. He believed that the resources of this country are still great, and that if called upon to exert itself, would be found adequate to such exertion. He never thought there was the least reason to despair on account of the finances of this country. He had often said before, and he was of the same opinion now, that there never was a moment when a man of tolerable nerves should apprehend any danger from the failure of the resources of this country. He believed we might proceed much farther before any fear should be apprehended. To what extent he knew not. God forbid we should make the experiment; but if called on, he was confident the situation of this country would bear a great deal more than had been already imposed on it. What was the result of these opinions? Not that we should reduce our present taxes, but that we should bear them, in order that we might apply the surplus for the reduction of the national debt; in order that we might, twenty years hence, be able to face the calamity of a war, without being burdened by fresh taxes, which would be the case, if, during the interval, we applied our surplus to the reduction of the national debt. We should take care so to bear our burdens now, as that if fresh ones should

be heaped upon us, they ſhould not be more than we ſhould be able to bear.

As to the particular taxes now about to be repealed, he did not ſee that they were ſuch as were particularly burdenſome; taxes were burdenſome on all occaſions, but he did not know that theſe were particularly ſo; or if they were, that the repeal of them would relieve the indigent. The tax on candles, for inſtance, was not ſuch as would favour the indigent by its re-repeal. If it did not, he was ſure it was unwiſe to repeal it; for it was a tax that had fully amounted to the ſum at which its produce was eſtimated. He feared it would not relieve the indigent; he was tolerably certain it would not do ſo. The poor man would not receive the benefit of this deduction.—Their Lordſhips knew the effect of the reduction of the duty on wine; he believed that did not much relieve the conſumer who bought in ſmall quantities; ſo the caſe would be in this inſtance; the poor man who bought his candles, would not be able to buy any quantity that would bring him within the ſcope of the reduced price. Of candles the really indigent man generally bought two or three at a time, of thoſe that were ſixteen or twenty in the pound weight. How was the duty to ſuit this fraction? He knew, indeed, that the manufacturer, the carcaſe butcher who ſold the tallow, or the grazier who ſold the ox, or perhaps all of them united, might benefit by a reduction of the tax on candles, but he was really doubtful how the indigent conſumer was to be relieved by this reduction.—Suppoſe the duty on candles was reduced one halfpenny in the pound weight, and the poor man bought four of thoſe that were ſixteen to the pound, his ſhare of the reduction would be juſt half a farthing. Indeed, he feared that the perſons who moſt wanted relief from taxes, would not meet it by this bill.

As to the tax on maid ſervants, he confeſſed he thought it at the time it was projected an unwiſe one, becauſe he feared it might deprive ſome poor girls of employment; but that objection was now done away, as thoſe who kept them made up their accounts to themſelves, as if the tax was never impoſed. The objection in this caſe was to the firſt impoſt, and not to the continuance of the tax, and therefore it would afford no relief to the indigent to repeal it.

He made a few obfervations of the fame kind on the tax on waggons—but his objection was not fo much to the repeal of thefe taxes, becaufe they could be borne, but with a view that our furplus fhould be applied to the reduction of the national debt. This was more to be confidered than the temporary reduction of taxes; and, in his opinion, the danger of its growing too great, on fome future loan, was more to be apprehended than the confequence of the ftate of it at this moment. He thought, therefore, that the applying of this furplus to the reduction of the debt would become more beneficial to the people of this country, than the taking off of any taxes under the prefent fituation of this country.

He had the misfortune, when in office, and afterwards out of it, to maintain upon the fubject of finance in this country, a doctrine that was very unpopular. He was now too old to change his opinion, and the point of popularity fhould not now bias it; he had known the effects of it formerly, and had withftood them. He had recieved a leffon upon that fubject, in a manner too plain to be mifunderftood, and too fevere to be forgotten—the refult of the whole was, that he was taught that popularity was at an end with him, and he gave his opinion totally without feeling any thing upon that point; and he confeffed that in that view he regarded the bills in queftion as dangerous, and he hoped that the temporary popularity which the reduction of thefe taxes would procure to the prefent, would not lead a future Adminiftration to follow their example from motives of popularity. He wifhed the people of this country as much wealth, comfort, and happinefs for ever as they now enjoy. But he could not help faying, that to keep them in the prefent happy fituation would be to call on them to avail themfelves of the prefent moment to fupport their burdens when they are fo well able to bear them, that they may be able to meet the exigency of a future war, without incurring frefh taxes that may then be felt as burdenfome. The people of this country were now free, opulent, and happy, and they fhould bear their burdens now, for the purpofe of reducing the national debt, if they wifhed the country to preferve and to enjoy its freedom and its happinefs for ages to come.

Lord HAWKESBURY maintained, that the situation of this country was such as to enable us to pay off annually one million to the reduction of the national debt; and also now to apply two hundred thousand pounds additionally for that purpose; and that under the present state of the country, the people had a right to expect some immediate ease to their burdens. Here his Lordship entered into some detail on the state of our revenue and expenditure, and agreed with the noble Earl on the strength of our resources, but did not conclude from thence, that the appropriating of the whole of our surplus to the reduction of the debt, was the wisest plan that could be adopted. On the contrary, he was inclined to think that the taking off of these taxes would encourage some part of our trade and manufactures; and that he was by no means sure that this reduction of taxes would actually diminish the revenue; he rather trusted, that this relief would improve and encourage that commercial spirit which so much distinguished the people of this country. Our trade, he maintained, was in a condition that enabled us to look forward, without fear, to the reduction of these taxes. Indeed, there was at present more difficulty to get raw materials, than that of manufacturing them, when obtained. From these, and other reasons, he thought the repeal of these taxes necessary.

The Duke of NORFOLK complained that the noble Lord, who was ostensibly a Minister, had not given them some statement in detail of the finances, in the same manner that the Chancellor of the Exchequer had opened the subject to the other House of Parliament. He admitted that the House had not been altogether without assistance on this head, since the noble Lord who spoke last, who was undoubtedly sufficiently capable, and holding a high office in His Majesty's service, though not an efficient one, had been pleased to state something relative to the prosperous situation of the country. His Grace complained of the unfunded debt having been suffered to accumulate, and thought the diminution of that a more proper object of the appropriation of the surplus of the revenue, than the repeal of taxes.

Lord GRENVILLE and Lord Rawdon rose together, but Lord Grenville was heard. His Lordship said, that particu-

larly pointed at as he had been in the noble Duke's ſpeech, he could not but be anxious to ſay a word or two in reply.—He had never heard that any Member of either Houſe was perſonally reſponſible for any meaſure agitated in Parliament as a public meaſure. That he not only was diſpoſed to come forward, but claimed it as his right to ſtand forth the advocate of all matters reſpecting Government generally, but that on ſubjects of finance, the Miniſter of that department was, he believed, uſually deemed reſponſible perſonally. The noble Duke had called upon him, to enter into a detail of the ſtate of the finances, and had held up the examples of the Chancellor of the Exchequer in the other Houſe of Parliament. It would have been the moſt idle attempt at parade and pageantry for him to have endeavoured to dole out in ſcraps and morſels part of that celebrated ſpeech, the eloquence and ſplendour of which were matters of public notoriety. Nothing, he declared, could hurt him ſo much, as his having afforded a ſufficient ground for a reaſonable imputation of his having ſhewn any thing like neglect of the Houſe, although he ſhould at all times be ready to diſcloſe all that he knew, and was proper for public communication; but he ſhould be equally wanting to himſelf, and to them, if he did not ſay, that he had uniformly, as a public man, given all he had a right to give, and that more no man had a right to claim.

Lord HAY ſaid, he ſhould agree with the Earl of Guildford in preſerving the reduction of the national debt to the reduction of taxes; but that the latter were ſo unjuſt, harſh, and oppreſſive, and under that impreſſion he was glad of the opportunity of voting for their repeal under almoſt any circumſtances.

Lord RAWDON, in reply, took notice of various points in Lord Grenville's ſpeeches, and particularly ſaid, that he had not meant to advert to the Chancellor of the Exchequer's argument upon finance in the other Houſe of Parliament, conſcious as he was that ſuch an alluſion would have been irregular and unparliamentary, but if he had alluded to it at all, he ſaid, he ſhould have done ſo with due reſpect to the right honourable gentleman who made the ſpeech, to whoſe abilities he was at all times ready to do juſtice. His Lordſhip

ſaid, if ever it was laid down as a principle, that upon ſubjects of revenue, that Houſe was not to have the fulleſt information to enable them to enter into an examination of bills relative to taxes, inſtead of claiming and diſcharging their moſt eſſential functions, they would ſink into the moſt ſervile and obſequious aſſeſſors of the taxes propoſed in the Houſe of Commons ever dreamt of. He noticed Lord Grenville's argument about a pamphlet publiſhed by Stockdale, (we believe) the view of the increaſe of the revenue, for the four laſt years, and ſaid, the noble Lord's diſdain of the publication on the ſcore of its being a mere pamphlet, and his declaration that it was not partial to him, though invidiouſly hoſtile to oppoſition, reminded him of a paſſage in Shakeſpeare:

"But, when I tell him, he hates flatterers,
"He ſays, he does; being then moſt flattered."
Julius Cæſar.

After the converſation ended, the bills for repeal of taxes were read a third time, and paſſed *nemine diſſentiente.*
The Houſe adjourned.

Wedneſday, 7th March.

Heard Counſel and examined evidence on a divorce bill.
The Houſe adjourned.

Thurſday, 8th March.

Heard Counſel on the Scotch Peerage election. Deferred.
The Houſe adjourned.

Friday, 9th March.

At two o'clock His Majeſty appeared on the throne, and the Royal aſſent was given to the mutiny bill; the bill for regulating His Majeſty's marine forces while on ſhore, the bill to repeal the duty on female ſervants; the bill for repealing the additional duty on houſes.; the bill for repealing the duty on carts and waggons; and ſeveral road and private bills.
The Houſe adjourned.

Monday, 12th March.

Heard Counsel on the Scots Peers election.

The divorces of Mr. Reybould and Mr. Larkings stood for the second reading. Both deferred to Wednesday next. Ordered that the Lords be summoned.

The House adjourned.

Wednesday, 14th March.

The Earl of COVENTRY rose to state to their Lordships a breach of privilege, which he would bring before the House on an early day. His Lordship, in his capacity of Lord Lieutenant of the county of Worcester, had received a challenge from a Mr. Cooksey. Ordered that their Lordships be summoned to take the same into consideration on Friday next.

The House adjourned.

Thursday, 15th March.

The House, in a Committee of Privileges, heard Counsel on the claim of Mr. Hamilton to the title and honours of Lord Belhaven.

The House adjourned.

Friday, 16th March.

The Earl of COVENTRY rose to state to the House his reasons for desiring their Lordships to be summoned. He had the honour to be Lord Lieutenant of the county of Worcester, and held in his hand a book which contained an account of proceedings at the meeting of 19th October, 1790, the day appointed by the act for annually assembling the militia. An application had been made to him by a Mr. Cooksey, to have his son, who was abroad, appointed Major of the Worcester militia, in the room of Major Mold, who was then Major; he thought it his duty to submit this application to the meeting on the 19th of October, and the Officers present came to a resolution, that it was proper to refuse Mr. Cooksey's application, and to continue Major Mold. He

accordingly wrote a letter, communicating this resolution to Mr. Cooksey, and about fourteen months afterwards he received a letter, signed Richard Cooksey, which he likewise held in his hand, and meant to have read to their Lordships. Although it was long, and contained many expressions that would not only appear extraordinary, but of a nature that must hurt his own feelings, and he had no doubt would appear unjustifiable, and highly improper to be sent to any Member of that House; yet he would move to have it read at the table, and would content himself with so doing, convinced that their Lordships would act in such a manner upon the subject, as best became their dignity.

The clerk then read at the table the following

"Copy of a Letter from Richard Cooksey, Esq. to the right "honourable the Earl of Coventry, dated Worcester, 10th "January, 1792.

"My Lord,

"Your Lordship having signified an intention of quitting "Worcestershire to-morrow, I am under the necessity of call-"ing upon you in haste (and before I can procure some let-"ters which passed between your Lordship and my father, "which I have not yet been allowed to see) for imme-"diate redress of a most ungenerous, because unprovoked, "injury.

"My letter may be long, but it merits your perusal, "since it will, I trust, convince you of having acted wrong, "and I need not mention to a man of your Lordship's sense, "that to redress an injury is the duty of a man who has of-"fered one.

"I have another view in writing thus fully, since if your "Lordship should appeal to any other arm than your own, "and shelter yourself under the privilege of Peerage, my let-"ter considered shall convince the House of Lords that your "Lordship is as wanting in spirit as in justice.

"In 1789 I left England, and resided during the year 1790 "at Lausanne, living there with men of high honour, with "some of infinitely higher rank than your Lordship. To

"them I can refer for honourable teſtimony of my conduct "while there.

"About Auguſt 1790, I wrote to my father expreſſing a "wiſh to quit that country for Germany, or Turin, in either "of which a military character was certainly the beſt intro- "duction of an Engliſh gentleman. I therefore ſolicited any "vacant commiſſion in the Worceſterſhire militia. My fa- "ther executed my wiſh, by writing to your Lordſhip for "ſuch a commiſſion. Your Lordſhip, I am told (for I have "not, I ſay, ſeen your letter) anſwered that there were "*pecuniary objections* to my appointment." My father, "hurt at ſuch an inſolent anſwer, then, and not before, ap- "plied for the majority, and copied the act of Parliament "which preſcribes the time and mode of appointing a Field- "Officer. Your Lordſhip, as Lord Lieutenant, was bound "either to appoint me or ſtate the true objection. You did "not; but referred my father's letter to a Board of militia "Officers, who expreſſed a wiſh for the continuance of their "preſent Major.

"This is the true ſtate of the caſe—Now attend to my ob- "ſervations.

"Your aſſertion that *pecuniary objections* exiſted to my ap- "pointment was baſe, cowardly, falſe.

"I aſk, I inſiſt on an explanation of theſe words. Does "your Lordſhip mean, the heir apparent to an eſtate in this "county, (incumbered as it may be) of between 13 and "1500 a year is not a man qualified, in a *pecuniary* ſenſe, "for ſuch an appointment? If you have a doubt read your "militia act. Does your Lordſhip mean, that by liſtening "to idle tales of envenomed toad-eaters, which makes great "men little, you have heard that my circumſtances were for "a time embarraſſed, that I was not eligible? *that*, my Lord, "is not an objection; it does not affect the legal qualifica- "tion. As your Lordſhip has thus thought proper to publiſh "your objections to me, juſtice to my own character calls "upon me to tell your Lordſhip, I never owed five hundred "pounds in the world, I never owed to tradeſmen in the ag- "gregate 260l. I lament the truth. I have not been able "to pay claims upon me the inſtant they made them; but

"this, my cautious Lord, was from want of the means, not "from want of principle, and was a concern to tradesmen "only, not to a Lord Lieutenant of a county. This suggestion, therefore, I repeat, was cruel, cowardly, and "false; more cruel, more dastardly, because my father was "supposed to be at the time in a dangerous illness. I never "wished the removal of Major Mole, who, though I do "not know him, I believe to be a very worthy man, nor "would it have been my wish to enter a regiment of gentle-"men but with the reception a gentleman would wish.— "Your Lordship having given out that I applied in the first "instance for the majority, is guilty of a second falsehood. "A military life is not my object, I wished the appointment "solely for the reasons I have mentioned. I must seek my "bread in another profession, but as your Lordship has thus "put the matter upon my qualification, I now, without "meaning to interfere with the pretensions of any gentleman "who is at present an Officer in the Worcestershire militia, "put in my claim to the majority upon legal and constitu-"tional principles, against any other man whatever, I mean "at the expiration of Major Mole's commission.

"There is one qualification I will convince your Lordship "I possess at any moment, and in any manner your Lordship "shall require and appoint.

"I remain,

"Your Lordship's enemy,

"RICH. COOKSEY."

A witness was then called to the bar, to prove the hand writing of Mr. Cooksey, and the delivery of the letter at the last Court of Sessions, to a person whom the witness knew to be the Steward of the Earl of Coventry. After a pause of some time,

Lord GRAHAM (Duke of Montrose) said there was only one opinion in the House, and that was that the writer of the letter ought to be taken into custody, and examined at the bar, that he might have it in his power to be heard in his defence; he therefore moved,

"That the Serjeant at Arms attending, be ordered to take "the body of Richard Cooksey into safe custody, and bring

"him to the bar of that House, there to answer such questi-"ons as might be put to him." Ordered.

The House adjourned.

Monday, 19th March.

The Serjeant at Arms appeared at the bar, and said, that in obedience to the commands of that House he had attached the body of Richard Cooksey, Esq.

The Earl of LAUDERDALE presented a petition, which was read; it stated that Mr. Cooksey had several papers to produce before their Lordships in his defence, which at present were not in his possession, but which he had sent for, and which he hoped would arrive, so that he should be ready to appear at their Lordship's bar, with materials for his defence. It then prayed that he might have until Monday next to apper at the bar of the House.

Lord SONDES said, that he hoped Mr. Cooksey would not be suffered to go out of the custody of the Serjeant at Arms.

The LORD CHANCELLOR said, "Most certainly "not."

The Earl of COVENTRY said, he had no personal objection to any favour to the prisoner, which the House would be pleased to grant, consistently with its own dignity.

A difficulty arose on the point of form, whether Mr. Cooksey should remain in the custody of the Serjeant at Arms, or be transferred to the Black Rod. It was settled, however, that he should remain where he is.

Lord LAUDERDALE then moved, "That Richard "Cooksey be brought to the bar of this House on Monday "next."

The LORD CHANCELLOR put the question. Ordered.

The House adjourned.

Tuesday, 20th March.

The order of the day for the second reading of the bill to remove doubts respecting the functions of juries in cases of libel, was moved by Earl Fitzwilliam.

The LORD CHANCELLOR ſaid, he had viewed the bill before their Lordſhips with great attention, and he hardly felt himſelf ready to pronounce on it any opinion at all.—The firſt clauſe was, that the Jury ſhould give their verdict upon the whole matter in iſſue upon an indictment or information, and ſhould not be required or directed by the Judge to find the defendant guilty merely on the proof of the publication, and of the ſenſe aſcribed to ſuch libel by ſuch information or indictment. This was a propoſition which from all that he had heard, and from all the information he had received, he could not bring his mind to aſſent to. The beſt authority he knew, and the moſt clear he ever heard of, on this ſubject, was from a paper which lay upon the table of that Houſe (alluding to the opinion of the Judges delivered in on the caſe of the trial the King againſt Woodfall, by the Earl of Mansfield), a paper to the principles which he never heard the ſmalleſt contradiction, or of the purity of which he never heard a doubt expreſſed by any perſon qualified to form an opinion on the ſubject. The charge which had been given in that trial by that noble and learned Judge, who was ſuch an ornament to his profeſſion, had never been queſtioned as to its legality.

Here his Lordſhip entered into many quotations from ancient authorities, tending to ſhew that this clauſe was againſt the principle which had been uniformly maintained by all ſound Lawyers, from the earlieſt times to the preſent day; and when a queſtion of law was thus ſtated, their Lordſhips ſhould avail themſelves of the beſt advice that could be given to them: the way to obtain this, would be through the medium of the opinion of the Judges, to whom a queſtion ought to be put, not whether any improper direction had been ever given to a jury, but whether the law was agreeable to what this bill propoſed it to be. This was not a point now, whether a Judge ſhould ſum up this or that way, or what had been the practice in that reſpect; but the queſtion was, and he truſted they would fall into the ſame opinion, whether the paper to which he had alluded, and which was on their Lordſhips' table, contained principles of

law in this country, or whether there was any found conclusion of law againft it. This was, in his opinion, the higheft authority that Houfe could refort to on this fubject. He fpoke not, nor did he mean to fpeak, with levity of the perfon (Mr. Fox) by whom this bill was introduced. He knew the vigour of his underftanding much too well, to fay that whatever that perfon produced did not demand attention, and he thought this bill did demand that attention, and therefore he was prepared to treat it with refpect; but it really appeared to him that the whole fpirit of the bill was a condemnation of the conduct of the Judges, from time immemorial to the prefent day, and he could not think that their Lordfhips would be well pleafed to give their fanction to a meafure that conveyed a general cenfure upon the Magiftracy of this country. On the contrary, he trufted that they would pay refpect to the great names who compofed that Magiftracy, and that they would fanction the practice of a Court of Juftice, unlefs they had fubftantial reafon for the contrary. At leaft, whether the principles on which the practice of the Courts was formed was juft—whether the practice itfelf was right or wrong—were queftions which fhould not be difcuffed before the Judges had given their opinion; and therefore, without taking farther notice of the law itfelf, the point of regularity was in favour of taking the opinion of the Judges. The bill in queftion did not confine itfelf to libels, but took notice of other offences; for it ftated, that the Judge fhall, according to his difcretion, give his opinion to the jury on the matter in iffue between the King and the defendant, in like manner as in other criminal cafes. The point here was fpoken of generally on the whole matter in the declaration. This feemed to him to call for that which was a legal impoffibility. Here his Lordfhip entered upon profeffional topics—upon the return of the *poftea*—the impoffibility of having the *day in bank* when the return can be made by a jury—the manner in which they were enjoined by the writ—the fiction of law on

which their anthority was derived, maintaining that the bill improperly abridged the advice or direction which it had always been competent for Judges to give to juries. In support of his opinion, he quoted the opinion of Mr. Justice Hale, who had said, "It is the duty of the Judge "to give advice upon matters of fact, and direction in "matter of law." And this opinion was supported by that Judge, who, of all others, was the most favourable to the rights of juries, Mr. Justice Vaughan. He who had always shewn such inclination to protect the rights of juries, had put the case precisely in the same manner. The fact was stated to be so or so, and then the jury were bound to find the affirmative or the negative of that fact; and even if when they had found it, and changed their opinion, it might be altered before it was recorded; but the duties of the Court appeared to him to be quite clear as they had always stood—*De jure respondent judices, de facto jurati.* Whatever might be the opinion of others, and he understood there were doubts by many with whom he had the honour to act, yet he must confess he could not bring his mind to doubt upon the subject. Here his Lordship again took notice of the case of this bill, as it would affect *demurrers*, and made many other professional objections. He observed, that this bill involved some contradictions; for after telling the Judge what he is not to do, it proceeds to telling him what he is to do, and prescribes his duties in a manner not consistent with each other. In point of history, he maintained there was no case whatever similar to the present bill; it would let libels loose upon the world without those restrictions within which they had hitherto been kept; and if this was to be the case with libels, he asked what was to be the case with incendiary letters? To what extent was the one to proceed, and where was the other to be left?—Libels and incendiary letters had always been considered *in pari materia.* He trusted that great caution was to be observed in the alteration of a law that stood the test of ages, and under which this country had arrived at least

to as great and as rational a ſtate of freedom as any on the face of the globe. Such was his opinion; and if it ſhould happen that thoſe whoſe habits led them more into the ſtudy of that part of the law than himſelf, ſhould agree with him, he ſhould give his negative to the preſent bill. He believed he had ſtated enough for his preſent purpoſe, and he believed that the doctrine he had ſupported had been uniformly laid down by all the Judges ſince the reign of Queen Elizabeth; but their Lordſhips would find the whole law on this caſe better explained in the paper upon the table of that Houſe, than in the diſcuſſion of any topic whatever. He therefore moved, "that, inſtead of now, this bill be read a ſecond time "on Tueſday the 24th of April next."

Earl FITZWILLIAM profeſſed his warmeſt approbation of the bill, and juſtified his now bringing it forward to the Houſe. But as the noble and learned Lord had conſidered it as a bill on which the opinion of the Judges ſhould be taken, and as that required time, he ſhould aſſent to the motion for the ſecond reading on the 24th of April.

Lord PORCHESTER ſaid, that he ſaw no reaſon for the interference of the Judges. The conſtitution had veſted in the three branches of the Legiſlature the power of making laws; the Judges made not an atom, as Judges, in that Legiſlature; and therefore, when a doubt aroſe concerning any one act they paſſed, moſt undoubtedly they who enacted that law, who debated on its principle, and who had well weighed and conſidered the cauſe and the effect it was intended to produce, were the moſt proper perſons to declare what that law meant. It was merely riſing to explain.

The learned Lord had hinted ſomething like an opinion that Judges were to direct juries what their verdicts ſhould be; and he had ſaid, ſuch were the practices of the Courts ſince the reign of Elizabeth. But, thank God! the enlightened day was arrived, when the conſtitution of this country was to be conſtrued in its true

meaning. If the Judge directed the jury, if he biassed them in his charge, the virtue of trial by jury was lost; the twelve men in the box became cyphers, the mere tools of the Bench; they were unworthy the name of citizens, they were out of the catalogue of freemen: but the grand point in which our liberties would be most affected was, by leaving the freedom of the press at the mercy of the Judges.

Considering the whole of this business, he saw not the least reason for waiting until the Judges returned from the circuits. They made no part of the Legislature; and consequently it became a kind of disgrace to the wisdom of the Legislature, that they could not pass an act to explain what they had done, without asking the Judges whether they were right in so doing. This was setting the Judges above the senate, and making Parliament the mere echo of their servants.

Lord GRENVILLE saw great propriety in consulting the opinion of the Judges on this bill. He heard nothing said against that consultation, but that the Judges were a party. This he hoped would turn out not to be true; he conceived that the Commons of Great Britain, who are capable of sitting on juries, had as good a right to maintain by this bill, as the Judges had to defend their integrity. If ever there was a question to be argued in the manner proposed by the noble and learned Lord upon the woolsack, this was of that description; and he was well convinced, that to obtain the opinion of the Judges would be of great advantage to that House; for he was persuaded the Judges had only one wish, which was, to discharge their duty. As to the observation of the noble and learned Lord, that he had no doubt, he must beg leave to say, that some doubt must have existed somewhere, or there could not have been such diversity of opinion on the subject. This made it fit that the Judges should be consulted, and when their Lordships were satisfied on that point, they would proceed upon the subject. He could not conceive that a more important

duty could belong to their Lordſhips than the conſideration of the preſent bill. It was eſſential to the future welfare of the State, that proper impreſſions ſhould be made on this occaſion. Libels had lately taken a high leap indeed; inſtead of gratifying private malice againſt individuals, or ſimply arraigning the conduct of Miniſters, they openly and avowedly attacked the conſtitution, ſolicited the people to fly in the face of their own happineſs, and in a manner intreated them to ſubvert the government of the nation. He ſpoke with confidence in the opinion of the people upon this ſubject, and truſted that they would not be miſled by ſuch publications; but then it was highly neceſſary, at ſuch a time, that the law, by which ſuch publications may be tried, ſhould be clearly aſcertained. He heartily concurred with the amendment, for the purpoſe of giving this ſubject all poſſible attention and ſolemnity.

Earl STANHOPE ſaid, that whenever he had the misfortune to differ from the two noble Lords, who had agreed to poſtpone the ſecond reading of this bill, he ſhould ſubmit to the Houſe the reaſon of that difference. The objections that had been urged againſt the ſecond reading of this bill, appeared to him to belong to the ſubject when the meaſure was before a Committee, and that was the ſtage, if any, that ſhould be poſtponed. But he ſhould not take it up on that narrow ground; he ſhould take it up on the ground, that there is no doubt, upon the ſubject—no doubt upon what the law ought to be in future, or upon what the law is at preſent. When their Lordſhips heard the reading of this bill, and found it was relating to trial by jury, and the liberty of the preſs, they would be ſurely convinced there was no Engliſh mind, or Engliſh heart, that did not participate in the diſcuſſion of the ſubject, or that was not deeply engaged in the freedom of this country. This point now before the Houſe, was ſo interwoven with the conſtitution of this country, that it became peculiarly intereſting to every Engliſhman.

There were five material principles on which the conſtitution of this country was founded, every one of which was clear and ſolid. The firſt was founded on the right every man had to be protected in his perſon and property from the government. Secondly, the liberty he enjoyed to diſcuſs all public ſubjects, and to give his opinion freely without fear or dread, in what way he pleaſed. This was chiefly ſupported by the liberty of the preſs, and a greater bleſſing no ſtate could have; he meant the free diſcuſſion of public ſubjects; he did not mean to ſay that this liberty had any thing to do with the private caſes of individuals. It conſiſted, as a national object, in the diſcuſſion of every thing that related to Government. This was the foundation of the liberty of this country. The third principle was that which we found recorded in our ancient law, under the term of declaration of rights, and afterwards in our bill of rights, on which the people have a right to arm in their own defence, without which there was no freedom, at leaſt there was no ſecurity for the continuance of freedom, either againſt internal attempts to eſtabliſh the abſolute power of an individual, or againſt the invaſion of an enemy. The people ſhould be armed as much to prevent the peace of the country from being diſturbed, as to prevent or repel all attack from a foreign power. Had this been the caſe, we ſhould not now have to reflect on the diſgrace, to which this country was reduced in the year 1780. Nor ſhould we have had the more recent ſhame of July laſt in the infamous riots in the town of Birmingham---Why did thoſe things happen? It was becauſe the people were not armed. The fourth was the repreſentative form of Government of this country, the modification of which was, that each perſon had a ſhare in forming regulations for the good of the whole community. The grand principle by which this was ſupported was, repreſentation in Parliament, by which it might be ſaid that no man can be affected in perſon or property, but by a law of his own making. The

fifth was, that as by the reprefentation of the country no law can be made againft any man without his confent, fo by the trial by jury, the people have a right to interpret their own law. This was the plain common fenfe of the ties by which this nation was held together. If any one of thefe points was defective, then the true conftitution of this country was incomplete. In none of them was there more care to be taken on the part of the people than that of the liberty of the prefs, of which the cafe of libels made a material fhare. A libel depended upon four, or at leaft on three or four points---Firft, the publication, which of itfelf was harmlefs, but on which the doubt arofe for which this bill was to provide a remedy; and here he muft fay, that the idea of guilt in a publication merely was ridiculous; for in that cafe there would feldom be any thing to try, and in which cafe inuendos would be totally fuperfluous, for the publication was generally a thing not at all difputed. But whether the publication was or was not proper; and in that view came the averment, ftating, for inftance, Dover, that was Dover in fuch a place in the county of Kent; or Calais, Calais in fuch a place. But words might be fo plain, that there need be no inuendos; in all which cafes, the juries were to judge of the whole matter before them. Secondly, what was the law upon the fubject, a point which always appeared to him to partake rather of fact than of law: it was a queftion of fact whether a perfon had tranfgreffed the law. Thirdly, the criminal intention. Fourthly, the right of the jury to try the whole matter. This the Judges had ufurped. They had undertaken to direct the jury on the inuendos, and left them only to judge of the fact of the publication; they had defired the jury to leave the criminal part of the intention out of the cafe. This was the moft material part, and of which the jury only ought to judge without fhewing caufe to any perfon whomfoever. This was the moft charming part of the conftitution, and this it was which the Judges had fo frequently attempted to take out of the hands of the jury. The defendant fhould

not be found guilty and given up to a Judge for punishment, if he could satisfy a jury that he had no criminal intention.—And why should the Judges attempt to take from the jury the most important part of their jurisdiction? This was declaring on the law, and enacting it. It was not law—or if it was, it ought not to be law—and he hoped their Lordships' opinion would be, that this arbitrary power should be wrested from the Judges by force—without it the liberty of the press was a mere chimera—the liberty of the press would be talked of in vain; and in vain too would be boasted the power of Parliament. He wished their Lordships to reflect for a moment on the utility of the press. Suppose, for an instant, that a King, not his present Majesty, for we all knew his disposition pronounced the thing impossible; but suppose a King should be advised to do what King James the Second did—to raise money without the vote of Parliament? How was the public to know this? They never could but from the liberty of the press. Every thing valuable in the constitution of this country depended on the liberty of the press, and there was an end of it, if the trial by jury was not free and uncontroled. The Judges claimed a direction, which the common sense of the thing denied to them on the face of it. This was a serious business, and their Lordships should take care not to trifle with it. The Commons had done their duty, as honest men, in sending this bill to this House; and if, from whatever motive, the bill did not pass, they would have the table covered with petitions, not only this year, but the year after. As to the licentiousness of libels—let the public be free—let the press be free—make up your minds to do justice, and fear no libels; where the constitution was free, there was nothing to be dreaded; a constitution was free, which rested on the principle he had mentioned; but if, by refusing this and other applications for justice on the part of the people, it should be rejected or trifled with, the consequences might be very serious. Every Government rested upon the public opinion. He had seen the strongest of them break down, when that opinion was lost—and when it was so, every Government ought to be broken down; because, no Government ought to continue that was not calculated

for the purpofes of protection to the wealth and profperity of the people. He could not agree in the defire of having the opinion of the Judges upon this fubject; he faw no reafon why the Houfe fhould wait a moment for that opinion, upon a queftion that was fo clear. It was as obvious a point, and could be as eafily anfwered, as if a queftion were afked, whether our grand Charter fhould be repealed? It was a conftitutional point, and that Houfe could want no affiftance of the Judges upon that fubject. It was a point to be governed by juftice. The law was above the Judges! The conftitution was above their Lordfhips! Juftice was above them all! The eternal principles of juftice were paramount to all!—On it were founded all the noble rights which God had given to mankind!

Earl FITZWILLIAM obferved, that whatever opinion might have been entertained upon the queftion of what was the law, this was a bill for declaring what ought to be the law, it was an enacting law. He hoped that this bill would be fully confidered, and finally paffed, left there fhould hereafter be a difpute between the Bench and the jury; but the deference he had for the opinion of the noble Lord upon the woolfack induced him to affent to the motion.

Lord LAUDERDALE faid, he did not agree with the noble Earl near him, nor did he go the length that he had done, becaufe if doctrines to the extent that the noble Earl had ftated, were to be admitted, every thing, he was perfuaded, would give way and fall into confufion; but he objected to poftponing the fecond reading of the bill, becaufe the noble and learned Lord had not ftated what the fpecific queftion was that he wifhed to put to the Judges. The queftion to be hereafter propofed to them, his Lordfhip faid, might be of that nature, which no power on earth could induce him to vote. For inftance, fuppofe the queftion fhould be, that the Judges fhould declare, "what ought to be the law of the "country, in refpect to the law of libels." That queftion he never would vote; and therefore if they were to put off the fecond reading of the bill, in order to put a queftion to the Judges, his voting muft depend upon his knowing what was the turn and tendency of the queftion to be propofed.

Lord GRENVILLE said, it never, he believed, had entered into any man's head to put it as a question to the Judges what ought to be the law of the country, in respect to libels; but to know from the best authority what the law was.

At length the question was put on the amendment, which was carried. The second reading of the bill therefore stands for Tuesday the 24th of April.

The House adjourned.

Thursday, 22d March.

Heard Council and examined evidence on a divorce bill.

The House adjourned.

Friday, 23d March.

The order of the day being read for the House to resolve itself into a Committee on the Quo Warranto bill, the House resolved itself into a Committee accordingly, and Lord Cathcart took the chair.

Upon the following clause being read by the Clerk, viz.

"Be it enacted by the King's most excellent Majesty, by "and with the advice and consent of the Lords spiritual "and temporal, and Commons, in this present Parliament "assembled, and by the authority of the same, that from "and after the first day of Hiliary Term, in the year one "thousand seven hundred and ninety-three, it shall and may "be lawful for the defendant or defendants to any infor- "mation in the nature of a Quo Warranto, for the exer- "cise of any office or franchise in any city, borough, or "town corporate, whether exhibited with leave of the "Court, or by His Majesty's Attorney General, or other "Officer of the Crown on behalf of His Majesty, by vir- "tue of any Royal prerogative or otherwise, and each and "every of them severally and respectively to plead that he "or they had first actually taken upon themselves, or held "or executed the office or franchise which is the subject of "such information, eight years or more before the exhibit- "ing of such information, such eight years to be reckoned "and computed from the day on which such defendant so

" pleading was actually admitted and ſworn into ſuch office " or franchiſe; which plea ſhall and may be pleaded either " ſingly, or together with and beſides ſuch plea as he or " they might have lawfully pleaded before the paſſing of " this act, or ſuch ſeveral pleas as the Court on motion " ſhall allow; and if, upon the trial of ſuch information " the iſſue joined upon the plea aforeſaid ſhall be found for " the defendant or defendants, or any of them, he or they " ſhall be intitled to judgement, and to ſuch and the like " coſts as he or they would by law have been intitled to, if " a verdict and judgement had been given for him or them " upon the merits of his or their title."

The Duke of NORFOLK moved, that the word " Hi-" lary'" be changed to that of " Trinity," which was agreed to.

Lord KENYON roſe to propoſe an amendment. His Lordſhip ſtated it to be the rule of the Court of King's Bench, to limit the proceedings by Quo Warranto, to the term of ſix years. No reaſon, his Lordſhip ſaid, having been given for extending the period to eight years, and being perſuaded that, if the real object of the bill was that which it profeſſed to have in view, the promotion of quiet and tranquillity in corporations, that ſuch object would be beſt obtained by ſhortening, rather than by lengthening the time in which proceedings might be had, he therefore would move to have the word eight omitted, for the purpoſe of ſubſtituting the word ſix.

The LORD CHANCELLOR ſupported this motion, and conſidered this as a bill to repoſe litigations and conteſts in boroughs and corporations, in which caſe the ſhorter period appeared to him the better.

The Duke of NORFOLK pointed out the poſſible injuſtice that might ariſe from the concealment of tranſactions in boroughs. Perſons might get clandeſtinely into a freedom, and an election might happen near ſeven years afterwards, and this falſe right could not be attacked, becauſe the ſix years had elapſed ſince the admiſſion. The reaſon why the eight years were propoſed was, that as ſeven years

was the legal exiftence of Parliament, an election could not happen without affording an opportunity to call on a perfon claiming the right of election, to fhew by what authority he made that claim.

Earl STANHOPE was of the fame opinion.

The Earl of LAUDERDALE thought it rather a tender and delicate point for that Houfe to alter a claufe in a bill, fo peculiarly affecting the rights of the Commons.

The queftion was put—the Houfe divided,

Contents for the amendment -	9
Not Contents - - -	6

After a claufe being propofed by Lord Kenyon and adopted, the Houfe went through the bill—Lord Cathcart reported progrefs, and the report was ordered to be received on Monday next, to which day the Houfe adjourned.

Monday, 26th March.

The order of the day, that Richard Cookfey, in cuftody of the Serjeant at Arms, be brought to the bar, to anfwer the complaint made againft him, for a breach of privilege, having been read,

Mr. *Cookfey* was brought to the bar, and faid,

My Lords, Is it your pleafure that I now proceed in my defence?

The LORD CHANCELLOR faid, Mr. Cookfey, you are brought here on a charge of breach of privilege; their Lordfhips are willing to hear what you have to fay in your defence.

Mr. *Cookfey* then proceeded to read his defence, in the following words:

"My Lords,

"Before I fay one word in my defence, allow me to return your Lordfhips my fincere and humble thanks for having granted me time to receive from the country fome letters, which I deemed of material importance.

"I deemed them, my Lords, of material importance, both to your Lordfhips and myfelf; to your Lordfhips as

enabling you to form a complete and impartial decision, consistent with the dignity of this high tribunal, and which you could not have done, if your Lordships had been to judge upon a single letter, written under the impression of injury, and in an unguarded moment. To myself important, as containing sentiments which I trust will have a favourable effect with your Lordships when they shall have been considered.

" I can assure your Lordships, that I do most sincerely lament, that any act of mine should have brought me on such an occasion as the present, to your Lordships bar, and I earnestly presume to entreat your favourable attention, while I shortly explain to your Lordships, the nature of my case; I hope your Lordships will believe, that I entertain the most profound respect for the privileges of your Lordships' order, and I regret with unfeigned sincerity that the violence of my feelings should at any time have brought me into a situation, which should be thought to have infringed those useful and venerable privileges with which the Peerage is invested.

" I do likewise most sincerely regret that the sense of what I conceived to be unmerited and unprovoked injury, should have led me to give offence to the noble Earl who laid my letter before this House.

" I had been taught by my father, to respect him, as a gentleman and a scholar, and for many years, I had been in the habit of being civilly received by his Lordship; no offence on my part, therefore, could possibly have been the result of premediated ill-will, or personal rancour.

" Entertaining such sentiments of the Earl of Coventry, as I have just described, I left England in the year 1789; during my residence abroad I conceived an inclination, for particular reasons, not material for your Lordships' consideration, to belong to the Worcestershire militia, and desired my father, in my absence, to apply to Lord Coventry to grant me a commission in that corps; that application was rejected, and I understood the motives of the objection to

have been conveyed in terms which carried with them, insult and contumely.

"The violence of my feelings overcame the dictates of prudence, and I addressed his Lordship in a manner which, in my cooler moments, I am ready to acknowledge to have been most improper.

"But the sense of injury being strong, the impulse which dictated my expressions will, I hope, be pardoned by a tribunal where the highest principles of honour are felt and cultivated.

"I shall use the freedom to lay some letters before your Lordships; a letter, from the Earl of Coventry to my father, which gave rise to that letter of mine, which is the subject of complaint, is lost or mislaid, but my father's answer will explain its contents.

"By the tenor of my subsequent letters it will appear, that it did not require the impending reprehensions of this great and respectable Assembly to induce me to alter my tone and my expressions. I continued to feel the injury with great poignancy, but I had by reflection obtained the language of moderation.

"I trust, my Lords, that these letters will prove to your Lordships the truth of what I have alledged, and will satisfy this House that I sincerely regret the intemperance of my language.

"I request your Lordships to consider, whether under all these circumstances, my offence is not palliated by the causes which gave rise to it; whether it is not exculpated by the strain of my subsequent correspondence, and whether I could have made unconditional submission without being disgraced?

"Permit me likewise to request your Lordships to consider whether the nature of the offence, in which I am supposed to be involved, can be deemed to relate to the privilege of Peerage, and even if it should be so considered, whether my subsequent conduct and expressious, together with my present sincere contrition, do not obliterate my offence?

Under these observations, I proceed to lay the letters before your Lordships.

Copy of a Letter from Holland Cooksey, Esq. to the Right Hon. the Earl of Coventry.

Braces Leigh, August 29, 1790.

My Lord,

My wonder at your Lordship's taking so much time, contrary to your usual punctuality, for answering my application of the 17th inst. ceases on receiving this instant your's of the 25th, containing an answer very harsh and unfit to be returned to me, to whom I boldly aver your Lordship is under many public and private obligations, and unbecoming you to give, being false in fact.

Let me remind you, that, as His Majesty's Lieutenant, you are not empowered to gratify private partialities or prejudices, but to execute duties and powers committed to you by the laws of your country.

I therefore notify to your Lordship, that Richard Cooksey, Esq. son and heir apparent to the possessor of the manors of Braces Leigh, Lulsley, and lands in Claines, of double the yearly value of your pretended list of offers for commissions, hereby offers himself to accept a commission as Major in the Worcestershire militia, and is on his return to England.

Your Lordship will act upon this formal notification as you shall think fit. That action shall direct the future feelings and resentment of

Your's,

H. COOKSEY.

Copy of a Letter addressed to Richard Cooksey, *Esq. written on the back of the above copy of the letter, by* H. Cooksey, *Esq. dated Braces Leigh, March* 17, 1791.

My first application was to Lamb, as a matter of course, to make out *any commission* for you in the militia *as soon as possible*.

On its being delayed, I wrote to him in *the very terms of his former letter to me*, which your sister incloses, and of which take great care.

His answer provoked that on the other side.

The letter complained of by the Earl of Coventry, as a breach of privilege, as their Lordships had heard it, Mr. Cooksey, after noticing it, did not read at the bar.

To that letter, for which see the proceedings of the 16th of March, the following was the answer:

Copy of Lord Coventry's Answer:

Sir,

The only reason I shall give at present to a very rude letter, is, that I perfectly concurred with *all* the Deputy Lieutenants, in

thinking that a perſon avowedly purſuing his travels into foreign parts, was unfit to hold a commiſſion in a provincial regiment, and particularly that of Major. If your meaning is to affront me, becauſe, in the execution of my office, I ſtudied the welfare of the county of Worceſter, I ſhall know how to vindicate my own honour, and will do it by ſuch means as all the world ſhall approve. It is rather ſingular that the ſlight you complain of, ſhould have lain dormant in your breaſt for more than a twelvemonth ſince the event happened, and that you ſhould have been in England great part of the time. I am,

Your's, &c.

COVENTRY.

Croome, Jan. 11, 1792.

Mr. Cookſey ſaid, he would next read his reply.

The Earl of COVENTRY inſtantly roſe, and informed their Lordſhips, that after the letter of his writing, all correſpondence between Mr. Cookſey and himſelf was barred; he denied, therefore, any knowledge of any future letters that Mr. Cookſey might have written to him.

Mr. Cookſey ſaid, What! my Lords, am not I to be *heard* in my defence? At leaſt, may I not be permitted to read letters which tend to *extenuate* my fault?

The LORD CHANCELLOR, addreſſing him from the woolſack, ſaid, Mr. Cookſey, you have hitherto conducted your defence with great temper and moderation, and you have been well adviſed in ſo doing. Let me recommend to you to obſerve the ſame temper and diſcretion in what you have farther to offer to their Lordſhips' conſideration, a deviation from which has brought you into your preſent ſituation.

Mr. Cookſey ſaid, I hope I ſhall, my Lord; and then proceeded to read the following

Copy of the Anſwer of Richard Cookſey, *Eſq. to the Letter of the Right Hon. the Earl of* Coventry, *dated Jan.* 11, 1792.

My Lord,

I ſit down to give your letter a cool and deliberate anſwer. Had your Lordſhip, at the time of refuſing me a commiſſion in the Worceſterſhire militia, aſſigned the reaſons for it contained in your letter of to-day, and which I never before heard, your Lordſhip would never have had reaſon to complain of the rudeneſs of any expreſſions of mine, addreſſed perſonally, or written to you. My conduct to you, previous to this application, I believe, you well know, was marked with every attention due to your ſuperior rank, though never with ſervility.

No man living more wiſhes to paſs peaceably through life than myſelf, and I diſclaim every "intention to affront your Lordſhip;

" *because*, in the *execution of your office*, you studied the welfare of " the county of Worcester." No man wishes more the welfare of the county of Worcester than I do, because I have received very distinguishing marks of the favour of its inhabitants; but it is because your Lordship thought proper to assign a very different, and a very cruel reason, namely, to use your own words, " pecuniary objections."

There is a jealousy, my Lord, about a man who is not rich, which you, from your situation, cannot feel. If liberally educated, he will pass over with contempt a taunt from a vulgar in the street; but if he receives it from a Peer, it will rankle in his mind, and dignify revenge.

[Mr. Cooksey here explained, that he meant no other cause of *rankling*, than the acute feeling of an injury at the moment, not malice.]

That has prompted every expression I have used—

[Here, my Lords, said Mr. Cooksey, I beg leave to explain myself. I did not mean the word *that* to refer to *revenge*; I meant an insult of *that* kind—an injury of *such* a nature—by no means *malice* or *revenge*. I feel neither.]

and as your Lordship has not answered that material part of my letter, I maintain the same sentiments of your conduct towards me, and am as ready to put my character to the world's decision, as can be your Lordship.

I have hitherto deferred bringing this matter to an issue, conceiving the most proper time would be the expiration of Major Mole's commission. Your intended departure for London hastened it.

I am, my Lord,
Your's, &c.
R. COOKSEY.

[Before Mr. Cooksey read the subsequent letter, he explained that it was a letter from Mr. Wigley, the Member for Worcester, of whom, if he had seen him in the House, he meant to have asked leave to read his letter previous to his taking that liberty; but as the letter was a perfectly proper one on the part of Mr. Wigley, although he differed with him somewhat in sentiment, he hoped his reading it in his justification would not be thought an indelicate freedom.]

Dear Cooksey,

A day or two ago, I had some conversation with Lord Coventry on the subject of your letters to him, which I read with no small degree of surprise, as well as concern, and own I felt a satisfac-

tion, when he remarked, that you observed you had not seen his to your father, and seemed even desirous that you should acknowledge your mistake. As a mutual friend, he requested me to speak to you, which from the regard I bear to you, as well as to his Lordship, I readily undertook. Let me request you to peruse these letters, and I doubt not you will see the transaction in the light that will induce you to relieve him from the disagreeable necessity of unpleasant measures, and on your account, give real pleasure to

Yours, very sincerely,
EDM. WIGLEY.

Temple, Feb. 7, 1792.

Copy of a Letter sent to Mr. Wigley, *February 13th* 1792, *in Answer to his of the 8th Inst.* [It was so franked.]

Dear Wigley,

I very sincerely thank you, for the expressions of regard contained in your letter to me, on the subject of Lord Coventry's conversation with you.

His Lordship, I assure you, could not have applied to any person more acceptable to me, or to whom I would more readily submit the decision, on my conduct in this affair.

Lord Coventry little knows me, if he thinks I would retract any expression I have used, unless upon the fullest conviction of error.

On receiving your letter, I rode over to Braces Leigh to obtain the letters, which passed between Lord Coventry and my father, copies of which I intended to have sent you, but my father being at present attacked by the gout in his eyes, he is not able to search among his papers for them; but as I hope he will recover his sight, at present much weakened, in a short time, I will take the earliest opportunity of sending them to you. My father, I believe, put the same construction on his Lordship's refusal of the commission and on his reasons, which I did, and which, I think, drew from him some expressions of a very strong nature towards his Lordship, and of which the word " pecuniary" was one.

I have long been prepared for one mode of decision; there are two others to which I know I *must*, however reluctantly, submit.—His Lordship must pursue the line of conduct which he thinks most becoming him; but if, from a perusal of those letters, I find myself to have proceeded from an error of words, or of judgement in the construction I have put upon them, I shall be ready to acknowledge it, conceiving it to be the part of every man of honour and honesty to do so,

I remain, Dear Wigley,
Yours very sincerely,
RICH. COOKSEY.

Dear Cooksey,

I received yours, and was in expectation of receiving another almost immediately. I really think you treat Lord Coventry's wish

for amicable terms, too lightly. Let me beg you to write by return of poſt.

Yours truly,

Temple, Feb. 22, 1792. E. WIGLEY.

Copy of a Letter from Mr. R. Cookſey *to* Edmund Wigley, *Eſq.*

Braces Leigh, Feb. 25, 1792.

Dear Wigley,

I received your letter on Friday night only at this place, or ſhould certainly have anſwered it by return of poſt, as you deſired.

I by no means would wiſh to be underſtood to "treat Lord Coventry's wiſh for amicable terms *lightly*."

I wiſh ſuch terms had not been firſt broken by his Lordſhip; but as he thought fit to repreſent me to his Lieutenants as a perſon unfit for the poſt of Major, and as his treatment of me in this manner is a matter of notoriety in the county, I muſt conſider his Lordſhip as the aggreſſor, and ſtill maintain the ground on which I firſt took this matter up.

Unleſs his Lordſhip ſhall in the ſame manner acknowledge, that no objection now exiſts to ſuch an appointment, if I choſe to ſolicit it, I cannot expreſs regret for any expreſſions I have uſed, though I with the greateſt ſincerity acknowledge my ſorrow, that his conduct drew ſuch expreſſions from me as I thought it merited.

If for a moment changing ſituations with me, you can ſuggeſt to me wherein I have been guilty of any impropriety, or *chalk out any more proper line of accommodation*, I aſſure you I ſhall take your opinion well, as I believe it will be well intended, toward,

Dear Wigley,

Yours very ſincerely,

R. COOKSEY.

Dear Cookſey,

I received yours yeſterday, and am extremely ſorry to find you ſtill perſiſt in your ſentiments reſpecting Lord Coventry, and that without yet having ſeen his letter to your father. I ſaw him this morning, and think it a great proof of his moderation that he has allowed me to write again to you, before he proceeds to take the ſteps which his ſituation certainly demands, and which are only to be avoided by a *full apology*. I can point out another mode of accommodation; if you approve of this, I ſhall be happy to convey it; if not, I muſt lament the inconvenience you will bring on yourſelf, greater perhaps than you imagine. I ſend this under cover to my brother, to inſure its ſpeedy delivery, as no time muſt be loſt; but he is unacquainted with the contents. Believe me

Yours, truly,

EDM. WIGLEY.

Rd. Cookſey, Eſq. Temple, 28th Feb. 1792.

Mr. Cookſey explained, that the following letter was written from a friend's houſe, to whoſe family he was on a viſit at the time:

Lea Castle, March 2, 1792.

Dear Wigley,

In my way to this place yesterday, I met your brother's servant, who delivered me your letter.

I have spoken fully to my father on the subject, and am more than ever convinced of the rectitude of my conduct in this affair, though I am sorry to think you consider it in another light.

For *your* good offices accept my best thanks; but I beg you to inform Lord Coventry, that if his *moderation* alone withholds his mighty arm, he has exercised that virtue only too long, to one so insensible of it as I am.

Tell him he has, without the least provocation, held out to the county of Worcester, as a man unqualified, on penuniary grounds, for the post of Major, one whose family held (if pecuniary subjects must be touched upon) the largest possessions in this county for centuries before his Lordship's was known in it, and who still retain property sufficient to shew the falsehood of such an objection. As he has made no acknowledgement of his ill treatment of *me*, I should think I debased myself indeed, was I to submit to make the *full apology* which his Lordship, in his *moderation*, demands, nor would I disgrace you so much, as to make you the bearer of so abject a message.

I know I must be tried by men of the highest honour of his Lordship's rank, or by a Court of Law.

To either decision I shall bow with the respect and obedience I ought; and whatever their sentence on me may be, I shall have the consciousness of having acted as I thought right for my consolation under it. This will support me in the gloom of any prison, and I trust I shall not suffer in the world's opinion, from having acted on such motives.

I remain, dear Wigley,
Yours sincerely,
R. COOKSEY.

We should do Mr. Cooksey gross injustice, were we not to declare, that he delivered his defence, in all its parts, in a manly and collected, but, at the same time, in a most respectful style, to the House. In his preliminary address, it was obvious that he meant to meet the dignified rank of his auditory with suitable reverence; in reciting the epistolary correspondence, he gave more scope to his feelings, and stated his expressions with the force of that impulse that had originally dictated them. In his closing appeal, his tone was firm, but decent, and not calculated to revolt the impression that his first manner had given:

" My Lords,

" You are now in possession of all the letters which passed on this subject, with the exception of that letter which I

I

have ſtated to have been loſt or miſlaid; had I been conſcious that I had committed a breach of the privilege of Peerage, I ſhould not have travelled ſo many miles to have met your Lordſhips' meſſenger; I hope the alacrity which I manifeſted to comply with your Lordſhips' orders for my appearance, will aſſiſt in clearing me from the intention of deliberate offence.

"If, unhappily for me, your Lordſhips ſhall deem me guilty of a breach of your privileges, I truſt that in the ſentence you ſhall paſs upon me, you will have a due regard to the very expenſive cuſtody in which I have been detained.

"I ſhall readily comply with any ſubmiſſion which this right honourable Houſe ſhall think proper to direct. I ſhall detain your Lordſhips no longer, than to aſſure you, that I rely with perfect confidence on that wiſdom, juſtice, and mercy, which direct all your actions."

The Marquis TOWNSHEND roſe to put a queſtion to Mr. Cookſey, but the Houſe over-ruled it.

Mr. Cookſey ſaid, I am ready to anſwer the noble Lord, or any queſtion which ſhall be put to me.

The LORD CHANCELLOR ſaid, your Lordſhip has heard what has been ſaid in his defence. I ſubmit to your Lordſhip whether you would, by putting any queſtions to the priſoner, give a different ſhade to that defence, or change the ground on which he has choſen to reſt it.

Upon motion, Mr. Cookſey was ordered to withdraw.

The Earl of COVENTRY, roſe immediately and repeated to their Lordſhips, that he had brought the matter before the Houſe, from no motives that regarded himſelf perſonally, but merely as a matter affecting the privileges of the Houſe, and conſequently the honour of their Lordſhips. That he felt nothing like reſentment or private pique on the occaſion, and conſequently, was not at all deſirous of interpoſing between the lenity of their Lordſhips and the priſoner, but left it entirely to the Houſe to ſhew what indulgence they pleaſed, and diſpoſe of the whole caſe as they ſhould think proper.

The Earl of CATHCART began with recapitulating the circumſtances that had occurred relative to the com-

plaint from the time of its having been firſt made by the noble Earl, to the moment of Mr. Cookſey's having juſt quitted their Lordſhips bar. He next reminded the Houſe, that the noble Lord who had made the complaint, had, greatly to his honour, diſavowed any vindictive feeling on his part, and declared, that he would not object to any lenity which their Lordſhips might ſhew. The next ſtep for the Houſe to take had been generally, he believed, to conſider the nature and amount of the offence, and to apportion and pronounce the puniſhment; he would not, becauſe he did not think it at all neceſſary, go over the variety of precedents of complaints of breach of privilege, and detail the proceedings had by the Houſe thereupon, which were to be found on their Lordſhips' journals; it would be ſufficient, on the preſent occaſion, to draw the recollection of the Houſe to the general courſe of proceeding that had obtained on complaints of breach of privilege, in proportion to the magnitude of the offence ſtated, and the greater or leſs degree of aggravation it derived from the manner in which it had been committed, or the obſtinacy with which it was perſiſted in. In caſes where the offence was but of a ſlight nature, and where the perſon complained of, as having committed it, had ſhewn himſelf obedient to their Lordſhips' order, and having readily ſubmitted himſelf at the bar, had there expreſſed himſelf ſorry for having incurred the diſpleaſure of the Houſe, and had implored their mercy; it was, as their Lordſhips well knew, cuſtomary for them to order the priſoner to aſk pardon of the Houſe, and of the individual Lord againſt whom the breach of privilege was committed, to reprimand him at the bar from the woolſack, and diſcharge him, upon paying his fees. Where the offence was of a more heinous nature, and the perſon, committing it, had not readily ſubmitted, and did not expreſs due contrition for his offence, it was uſual for their Lordſhips to increaſe the puniſhment by impriſonment or fine; and there was ſtill another ſpecies of offence in caſes of breach of privilege, where the perſon complained of, perſiſted to act with a degree of contumacy towards the noble Lord, againſt

whom the breach of privilege had been committed; in that case, their Lordſhips knew that it was cuſtomary for them to go a ſtep farther, and excluſive of a reprimand from the woolſack, &c. oblige the priſoner to enter into recognizances to keep the peace for a given time. To apply theſe different courſes of proceeding in that Houſe, againſt perſons complained of for having committed a breach of privilege, to the caſe then under their Lordſhips' conſideration, he conceived that it muſt be ſufficiently apparent, that Mr. Cookſey had not only readily ſubmitted to their Lordſhips' order, but that he had expreſſed himſelf ſufficiently ſorry for the offence he had committed. If therefore he had gone no farther than that part of his defence, the Earl declared, he did not believe there would be one of their Lordſhips, who would have wiſhed that any greater additional puniſhment ſhould be inflicted on him, than a reprimand from the woolſack, and that he ſhould be diſcharged on paying his fees. But from what had afterwards come out, it did appear to him, his Lordſhip ſaid, that Mr. Cookſey ſhould be called upon to enter into recognizances, and therefore, with the leave of the Houſe, he would conclude with moving,

" That the ſaid Richard Cookſey having acknowledged " his ſorrow for his ſaid offence to the Houſe, and likewiſe " to the Earl of Coventry,

" That the ſaid Richard Cookſey do continue in the cuſ- " tody of the Serjeant at Arms, and that he do enter into a " recognizance before the Lord Chief Juſtice of the Court " of King's Bench, himſelf in five hundred pounds, and two " ſureties in one hundred pounds each, for three years, and " that he be then diſcharged upon paying his fees.".

The Marquis TOWNSHEND ſaid he could have wiſhed the latter part of the motion, that calling upon the gentleman to enter into recognizances, had been omitted; many reaſons, which he would not ſtate then, becauſe it would be highly improper ſo to do, but which muſt as forcibly occur to every one of their Lordſhips, as they did to his mind, ſuggeſted themſelves, that it would be much more reſpect-

ful to the noble Earl, near him, (Lord Coventry) if no recognizances were called for. The queſtion which he meant to have put to Mr. Cookſey when at the bar, if it had been their Lordſhips' pleaſure to have permitted him to put it, he would then ſtate, becauſe he verily believed the anſwer of Mr. Cookſey would have made all ideas of calling upon him to enter into recognizances unneceſſary. The queſtion was, whether if Mr. Cookſey had himſelf been for ſome time an officer in the Worceſterſhire militia, and the Lord Lieutenant of the county had put another gentleman, who knew nothing of the affairs of the regiment, was on his travels abroad, and did not mean to come home, over his head as a Major, he would not have thought that ſtroke a greater affront than the other, which he had complained of in the letter then upon their Lordſhips' table?

The Earl of LAUDERDALE declared a hope, that he would not be thought capable of riſing to defend the letters that had been read to the Houſe; no one of their Lordſhips could conſider them as more improper or more abſurd than he did, but he roſe to beg their Lordſhips to reflect on what they were doing, as he had great doubts in his own mind, whether what had been complained of, could be held to be a breach of privilege? He was well aware that he might be aſked, if he entertained any ſuch opinion, why he had not ſtated it at an earlier ſtage of the buſineſs? He had but one excuſe to plead for his not having done ſo, and that he was ready to admit, was weak and a bad one, viz. that he had not ſufficiently examined into the nature of the ground on which their Lordſhips' privileges ſtood, and ſearched the journals for precedents. He had ſince done ſo, and he was confident, it could not fairly be conſidered as a breach of privilege. All their Lordſhips privileges, as well as thoſe of the Houſe of Commons, were given them chiefly, with a view to ſecure the freedom of debate. Judge Blackſtone ſtated it ſo expreſſly, and the common ſenſe of the thing ſufficiently proved it. True it was, the freedom from arreſt was the privilege of minor Peers, of Roman Catholic Peers, of his own conſtituents, and of all Peers, whether

they sat in that House or not. But that was a single exception, and he could never admit, that a general rule was to be maintained on a single exception. There were, his Lordship said, two distinct descriptions of Peers, Peers of the realm, and Lords of Parliament. The latter were necessarily gifted with peculiar privileges, and for what purpose? Merely to secure and arm them, in their defence against the prerogative of the Crown. He had never heard any other reason of a constitutional nature assigned for their privileges, nor could he conceive that any other reason could be assigned, that had any colour of sense in it. If the case were otherwise he foresaw inconveniences highly repugnant to the spirit of the constitution. He acknowledged, that he was aware that there were many precedents of an extraordinary nature upon their journals respecting their proceedings on complaints of breach of privilege; but he was persuaded their Lordships would not think it for their honour to copy any such precedents. In good times he was sure there was no precedent in point that could bear out such a case as the present. He might perhaps be told of the case of Lord Pomfret and the Duke of Grafton, but that was materially different. In that case, the noble Lord at the time on the woolsack, had stated, that he had heard that a correspondence was going on between Lord Pomfret and the Duke of Grafton, which if not timely prevented, might end so as to endanger the lives of both those noble Peers; and the noble and learned Lord had called upon any noble Lord present, who knew more of the matter, to give the House farther information respecting it; in consequence of which a noble Lord had stated in his place what more he knew of the affair, and means were immediately taken by the House to oblige the noble Peers in question to enter into recognizances to preserve the peace. That was a measure taken to prevent a danger apprehended; the present motion was meant as a punishment for an offence committed; and what was the nature of the offence complained of? Not an offence committed against a Peer of Parliament, for any words spoken in that House; it was not an attempt to intimi-

date a noble Lord as a Member of Parliament, nor even an offence committed against a Peer while Parliament was sitting; there was no pretence whatever, therefore, for saying that the offence prevented the noble Earl from attending his duty in Parliament, or that it in any way whatever affected the business of that House, or the freedom of debate. It was merely an offence committed against an executive Officer of Government, for an act done in that capacity; would that House therefore so misapply their privileges, as to extend them to the protection of the executive Officers of Government, when their conduct was found fault with or objected to by individuals without doors? His Lordship desired, that he might not be so far misunderstood as to have it supposed, from what he had said, that he would undertake to defend the letter on the table. He was far from entertaining any such idea. He considered the letter as scandalous a libel as ever was written; no word the English language could supply, could do it justice; he was convinced that it was actionable at common law, and it particularly behoved their Lordships to distinguish between such parts of a transaction as amounted to a breach of privilege, and to abstract the crime that was to be seen in it; the latter ought to be left to the decision of the Courts of Law; if their Lordships were to notice the letter, in his opinion they would act most unfitly and unfairly; they would do what they ought studiously to avoid, viz. acknowledge themseves to be a party on the one hand, and on the other, act as Judge, jury, and even, as the executive Officer, to inflict that punishment which they themselves had assessed.

Earl FAUCONBERG said, that in his opinion the right and most proper way of proceeding, would have been by an action at law. His Lordship assigned his reasons for his opinion, and said, that he could at the same time lay his hand upon his heart, and declare, that he thought most sincerely that the noble Earl, who had made the complaint, had acted with the strictest propriety in what he had done as Lord Lieutenant of Worcestershire.

The Earl of COVENTRY desired that the precedent of the Lord Griffin or Gilpin's case, in 1737, might be read from the journals.

It was read accordingly, and ſtated, that John Bulby or Buckly, had ſpoken defamatory words of the Lord Gilpin or Griffin, who had complained to the Houſe of it as a breach of privilege: that the Houſe referred the matter to the conſideration of a Committee, and in conſequence of their report, ordered Buckly to be attached, that he was brought to the bar, and upon expreſſing great ſorrow and contrition for his offence, was ordered to be reprimanded while at the bar, on his knees, from the woolſack, and diſcharged on paying his fees.

The Earl of CATHCART ſaid, the noble Earl had talked of precedents in good times; he really did not perfectly underſtand the expreſſion, and wiſhed the noble Earl would have been ſo good as to have explained what he meant by good times. He knew there were precedents upon the journals in all times that came up to the preſent caſe. His Lordſhip mentioned the precedents of 1726, 1737, and 1764.—The caſes were: the complaint of the Earl of Briſtol, againſt Boughton, a clergyman, in 1726-7; of the Lord Griffin, againſt Buckly, in 1737; and of certain printers, or publiſhers of newſpapers, concerning a noble Earl, then Ambaſſador at the Court of Paris, in 1764, which was ſaid to be a remarkable caſe, becauſe privilege had been ſo much conſidered. He entered much at length into the diſcuſſion of the precedents, declaring, that he had in his former ſpeech purpoſely avoided reſting on any precedents whatever; ſince beſides the three, he had ſtated, there was a whole cloud of other precedents on the journals equally in point. With regard to the noble Earl's diſtinction between a Peer of the realm, and a Peer of Parliament, he declared he knew not how to hold an argument on ſuch a ſubject within thoſe walls; and indeed he knew of only three privileges peculiar to perſons either born Peers or created ſuch, beſides that of becoming Members of that Houſe, viz. the privilege of being hereditary Counſellors of the King, in which is included freedom from perſonal reſtraint, except in certain caſes limited by ſtatute and by an order of the Houſe; the privilege of declaring upon honour in many caſes where an oath is generally required; and the ancient privilege of trial *per judicium parium ſuorum.*

It was said that the *Pax et Securitas*, which was considered even in the days of Edward the Confessor, as that which ought to be allowed to all those concerned in parliamentary proceedings, and the necessary preservation of the dignity of an House of Parliament, were the grounds of all the parliamentary privileges that had been claimed, or that remained in existence. He concluded with maintaining that his motion was warranted by Parliamentary usuage, and was consistent with constitutional practice.

The question being at length called for, it was put, and the Lord Chancellor gave it in favour of the contents.

Mr. Cooksey was then ordered to the bar, when the Lord Chancellor told him, that a complaint had been alledged against him for a breach of privilege, which, upon investigation, appeared to the House to be of a very heinous nature, that their Lordships had heard him in his defence with great patience and candour, but that in consequence of the contrition and sorrow, which he had expressed for his offence, their Lordships were willing to forego much of the displeasure and resentment they would otherwise justly have entertained against him; that, therefore, they had ordered him to reprimand him at their bar, and he had reprimanded him accordingly. That their Lordships had farther ordered, that he be detained in the custody of the Serjeant at Arms, until he had gone before the Lord Chief Justice of the Court of King's Bench, and entered into a recognizance of 500l. himself, and found two sureties to enter into recognizances of 100l. each, for his good bearings towards the Earl of Coventry for three years.

The House adjourned.

Tuesday, 27th March.

Several bills were received from the Commons, and the titles read at the table.

The House adjourned.

Wednesday, 28th March.

Several bills were received from the Commons.

The House adjourned.

Thurſday, 29th March.

Heard Counſel on the Scotch Peerage, and ordered farther hearing on Tueſday.

The Houſe in a Committee, Lord Cathcart in the chair, went through ſeveral bills received from the Commons.

The Houſe adjourned.

Friday, 30th March.

The Royal aſſent was given by commiſſion to ſeveral bills.

The Houſe adjourned.

Monday, 2d April.

The Duke and Ducheſs of York's Annuity bill paſſed the Committee, and was ordered to be reported.

The Houſe adjourned.

Tueſday, 3d April.

The order of the day was read for the third reading of the Duke and Ducheſs of York's Annuity bill.

Some converſation took place, after which the bill was read a third time.

The Houſe adjourned.

Wedneſday, 4th April.

The Houſe proceeded to hear Counſel on a Scotch appeal.

Several bills were received from the Commons.

The Houſe adjourned.

Thurſday, 5th April.

His Majeſty came down to the Houſe, and gave his aſſent to ſeveral bills.

The Houſe adjourned to

Tueſday, 17th April.

Heard Counſel in a Committee on the Scotch election petitions.

The Houſe adjourned.

Wednefday, 18th April.

Heard Counfel on a Scotch appeal.
The Houfe adjourned.

Thurfday, 19th April.

Heard Counfel and examined evidence in a Committee on the Scotch election petitions.
The Houfe adjourned.

Friday, 20th April.

Several bills were read a third time and paffed.
The Houfe adjourned.

Monday, 23d April.

The Alderfgate Annuity bill was read a first time, and ordered to be read a fecond on Wednefday.
The Houfe adjourned.

Tuefday, 24th April.

Ordered that the order of the day for the fecond reading of the bill to remove doubts refpecting the rights and functions of juries in criminal cafes, be deferred to Friday next.
The Houfe adjourned.

Wednefday, 25th April.

Received a private bill from the Commons.
The Houfe adjourned.

Thurfday, 26th April.

Several bills were read a third time, and paffed.
The Houfe adjourned.

Friday, 27th April.

The order for fummoning their Lordfhips was read.

Lord KENYON ſaid, it was of the utmoſt importance to the courſe of juſtice, that the bill now before their Lordſhips ſhould be thoroughly underſtood; and he was afraid that, in the wording of this bill, there was conſiderable inaccuracy.—The terms were vague—the meaning undefined. It was not clear what was the intention of the bill, nor whether the words would carry into effect the intention of its friends. He had no heſitation in his own mind to ſay, that between the preamble of the bill and the enacting clauſes he found inconſiſtency and want of relation; but he was aware that this defect might be amended in the Committee. The queſtion for their conſideration now was, whether there were doubts in the practice, ſuch as the bill declared to exiſt. For himſelf, he had never had any diſpute on the point of law and fact with the jury.—Lord Hardwicke had given a clear opinion, that in matters of libel, the jury were to judge only of the facts—the Judges of the law; and it had, with ſo few exceptions, been the practice of the Courts to direct the juries in this way, that he confeſſed he thought it ſingular that it ſhould be aſſerted there were doubts on the ſubject. The only diſpute he had ever ſeen was, whether the truth of the matter ſet forth in the indictment, or information, was a bar to its being a libel, and whether evidence could be legally admitted of the truth of the matter at iſſue. Would the preſent bill finally determine this doubt? Sincerely wiſhing to have the bill thoroughly underſtood, he would move to put two queſtions for the opinion of the Judges—

1. "Is the criminality or innocence of the ſubject matter "of any written or printed paper, ſet forth in an indictment "or any information for a libel, a matter of fact or of law, "where no defence is made by the defendant?"

2. "Is the truth of the matter ſet forth in an indictment or "information for a libel, a legal objection to ſuch libel? and "whether the epithet *falſe* be a neceſſary averment in ſuch in-"dictment or information?"

Earl STANHOPE ſaid, as the noble and learned Lord had not gone into argument that day, but had contented himſelf with throwing forth his doubts, he ſhould not now trouble their Lordſhips with any obſervations: he had no objections to the queſtions of the learned Lord, though he thought them unneceſſary; but he begged leave to ſay, that whenever the day

of discussion came, he should be ready to argue the question with the learned Lord on legal grounds, on constitutional ground, on common sense—and in every way that the learned Lord might think fit.

Lord LOUGHBOROUGH professed his doubts, whether the questions propounded by the noble and learned Lord were worded in that clear and precise way that would enable the Judges to give a specific answer, so as to answer the wishes of the noble and learned Lord. That the difference between matter of fact and matter of law, in cases of libel, was so marked and distinct, as to be easily separated, he had his doubts, and undoubtedly it ought to be their study, when they called for the opinion of the Judges, to put their question in such clear terms, as should not involve them in nice and subtle distinctions. He could hardly frame to his own imagination a case of libel, where the matter at issue was merely a matter of law unmixed with fact. There were always circumstances of simple fact, indeed, such as the publication, and so forth, which were not criminal in themselves, but in the construction and application of the libel, there were facts essential to the guilt or innocence of such publication. Opinions, for instance, might be innocent under one set of circumstances, and criminal under another.—It was the application to times, and persons, and circumstances, that constituted the libel; and this was as much a fact, as the mere fact of the printing and publishing. To attempt to separate them was difficult, and dangerous. It certainly, as the bill on the table set forth in the preamble, had introduced doubts, and, in his mind, had done mischief. It was the refuge to which libellers had fled for safety. They had confidence that their particular question would be lost in the greater question between Judge and jury; and they had hopes that a jury struggling for what they conceived to be their own rights, would overlook the case of the individual, upon which they were impannelled. That the Jury should have no distraction from the subject immediately before them—that nothing should be placed between them and their consciences, was a truth so manifest, that he was sure the settling of this question would give a security to the country against libellers, instead of destroying the barriers against them. And it was the opinion of the most eminent authorities in the law, that the jury had the

paper of the whole caſe. It was the ſpirit and eſſence of our juriſprudence, and it was ſo ſimple and ſalutary in its operation, that he was ſure if he could ſucceed in deſcribing it to their Lordſhips as clearly and as forcibly as he felt it, they would agree with him in admiring the wiſdom and efficacy of the principle, in oppoſition to the involved and entangled mode which had crept into practice in ſome caſes, and which it was the purport of this bill to do away. In the early hiſtory of England, when our common law was ſimple, every man was ſuppoſed to be perfectly competent to the functions of deciding on civil actions, and they were in truth ſo little intricate, that they could not miſtake the truth and juſtice of the queſtion. A falſe deciſion therefore gave riſe to the ſuſpicion of a corrupt motive, and a bill of attaint lay againſt the jury in civil actions. As the law came, in the progreſs of the multiplied diviſion of property, to be a ſcience, and where caſes of ſuch difficulty might ariſe as to confuſe the jury, and that their deciſions might be erroneous without a ſuſpicion of corruption, the Courts took a new courſe, and on certain grounds they granted new trials. In criminal proſecutions there was no ſuch thing.—There was no bill of attaint. He had never found that any bill of attaint had ever been iſſued againſt a jury for a verdict in a criminal trial. Mr. Juſtice Vaughan, one of the greateſt and moſt upright men who had ever adorned Weſtminſter-Hall, had found a paſſage, in an obſcure corner, which aſſerted the doctrine, but he had ſhewn it to be untrue, and had diſmiſſed it. Their deciſion was final. There was no control upon them in their verdict. The evident reaſon and good ſenſe of this was, that every man was held to be acquainted with the criminal law of the land. Ignorance was no plea for the commiſſion of a crime, and no man was therefore ſuppoſed to be ignorant of judging upon the evidence adduced of the guilt or innocence of a defendant. The facts proved might, in the eye of the law, conſtitute one deſcription of felony or another, which it was the office of the Judge to explain to the jury, or whether the crime, if proved to their ſatisfaction, was murder or homicide, and the like, but, with this direction, they had the whole caſe in their own hands, and gave complete deliverance or conviction to the priſoner. In civil caſes it was the known practice to be otherways. A man was not bound, in all caſes,

to know the common law, or at leaft large allowances was made for ignorance. A liberal interpretation was given to a man's will, written by himfelf. But in the criminal law there was no latitude. This was the decided opinion of Sir John Vaughan, and this doctrine applied generally to all the code. But in libel, attempts had been made to feparate the law from the fact, and the confequence was, that a Judge in directing a jury upon the matter of law, inftead of doing as in other cafes, that is, inftead of telling the jury what the law was, took the defendant out of the hands of the jury by fpeaking in this way: "The matter of this charge you have nothing to do "with—that is law—I will not tell you what the law is—but "do not fear for the defendant—bring him in guilty of the mere "fact of publifhing and leave him to us—if he is innocent we "fhall fo find." Now this courfe, which was not pretended to belong to any other part of our criminal law, did in the cafes of libel raife difficulties which entangled the jury—which confufed their judgements in fome cafes—which provoked their paffions in others—and which created a queftion on the rights of juries that, as he had faid, was reforted to by libellers, and fheltered them from the punifhment due to guilt. Nothing could be more irkfome to the Judge than to leave a doubt on the fubject. Nothing could be more injurious to the community than to have it left in the way in which it ftood. The opinion of Sir John Vaughan was clear and decided, and many other of the moft venerable authorities fanctioned the fame doctrine. That the facts muft make the criminality or the innocence of the publication was fo clear, that they could never be left out of the queftion, without taking from the jury the powers of judgement. Opinions and affertions might be perfectly harmlefs at one time, and feditious at another. A number of texts from holy writ, perfectly innocent, and even facred in themfelves, might be ftrung together, and diftributed among an inflamed multitude, fo as to be feditious. Who were to judge of this? The jury furely, who were to have before them, not merely the texts themfelves, but the time, place, and circumftances under which they were publifhed, and by which they were to judge of the intention of the publifher, and the tendency of the writing. He knew but of one way in which the cafe of a libel could come purely to be a matter of law,

and that was in a plea of demurrer, when the defendant acknowledged all the evidence, all the averments, and all the inuendos to be true as exhibited, but pleaded that the whole, taken as asserted, did not constitute the crime of libel. Then undoubtedly it came to be an unmixed question of law, upon which the Judge was to instruct the jury, and then under his explanation, they had the whole matter in their power. He apologised for going so much at length into the question on that day.

The LORD CHANCELLOR said, he would confine himself strictly to that part of the argument which referred to the questions proposed to the Judges. The noble and learned Lord's opinion contradicted a long and uninterrupted series of legal authority, and at the proper time he should certainly go at some length into the subject. The instance which the noble and learned Lord had given of the crime of connecting and issuing texts of scripture among an inflamed multitude, would, in his opinion, in the circumstances described, be something more than libel; it would be a different and a higher crime. He perfectly agreed, that a writing contracted its libellous character from the season and circumstances under which it was published. He had no hesitation in saying, that speculative opinions on the nature of government, were proper, unless in circumstances of alarm and confusion, when they might tend to disorder. He had no hesitation in saying, that, in the present moment, not only inflammatory observations against Magistrates, but observations tending to vilify the constitution of Magistrates, to unsettle it in the public mind, and to shake its legal authority, as vested by the laws of the land, were libels which the Government ought rigorously to pursue, and which he trusted would be pursued, wherever they appeared, to exemplary punishment. He differed with the noble and learned Lord on the idea of there being any more knowledge of the criminal law alledged to the subject than of the common law. No man was supposed ignorant of either the one or the other; and it was not a sufficient argument to say, that because there were doubts upon any legal point, they should bring in bills to change the happy practice of the Courts. In a book lately published by Mr. Leach, there was a collection of the legal doubts, which, on the first day of every term, had come before the

Judges in Serjeant's Inn Hall, for some time past, and which formed as ample a collection of thistles as any man would wish to see. Were their Lordships prepared to clear up all these legal doubts, by declaratory or by enacting bills? He quoted the great authority of Lord Hale for the doctrine, that the question of law lay always with the Judges, and it was necessary to the unity of the law that it should do so. Endless confusion would arise, if it lay with the jury. How could a Cumberlandman know what was the law upon any case in Cornwall, or *vice versa*, how could a Cornishman decide on a case in Cumberland. There would be endless confusion in the practice; whereas, by keeping it in the hands of one set of men, it became the same for all the kingdom.

Lord PORCHESTER said, it was not his province to contend against great lawyers on points of law, but he would presume to mix in the discussion where it was merely a matter of common sense. The noble and learned Lord's argument, that a Cornishman could not form a judgement of the law on a crime in Cumberland, was an argument which he could not reconcile to common sense. Was there any geography in morals? Was not murder, murder both in Cumberland and Cornwall? Did malice change its quality by its local situation? And was not a man of any one county as capable of deciding on a crime in another county as in his own? Did he lose his power of judgement by the change of place? And if this was true, did not this diversity exist as to all the catalogue of crimes, except the privileged one of libel, which alone, for the sake of unity, was reserved to the Judges? The noble Lord answered also what fell from Lord Kenyon, as to the truth being a justification. By this bill, he contended that the question of admitting evidence in justification would be settled; for the jury were directed to decide upon the whole matter in issue, and as the *quo animo* was a matter in issue, they were clearly to decide upon that from all the circumstances. He concluded with reading three questions, which he should propose to the Judges, and of which they would see the drift, without his explaining them. The first was, whether, in a trial on an indictment or an information for a libel, the innocence of the defendant was clearly proved, it was competent for the jury to

acquit the defendant? And two other propofitions on the admiffibility of witneffes.

Lord KENYON anfwered Lord Loughborough. He was aftonifhed to hear the learned Lord fay that the doctrine of the bill of attaint being applicable to criminal juries, was to be found in an obfcure corner. It was in Lord Hale, and his books were furely not obfcure. He contended alfo that the doctrine was incorrect, that we were fuppofed to know the criminal law better than the civil law. Every man fuffered the penalties of ignorance in every thing that he did. An eftate to be devifed legally, muft have three witneffes to the will, and no ignorance could be pleaded in bar to this practice.

Lord LOUGHBOROUGH faid a few words in reply, firft to the Lord Chancellor. He had accufed him of afferting an opinion in contradiction to a long and uninterrupted feries of legal authorities. Let this be tried between us, faid the noble Lord. Sufpend your opinions for the time, and I pledge myfelf to prove, that the doctrine I have laid down is fupported by many of the greateft and moft enlightened men of Weftminfter. With refpect to the doctrine of the bill of attaint, applied to criminal juries, being found in an obfcure corner, he had faid explicitly, that Lord Vaughan had firft found it in an abfcure corner. That it had been afferted fince he never denied; but he had faid that an inftance of its ufe had not been found. He concluded with reading two queftions which he fhould put to the Judges:

1. "Whether, in the trial of an indictment on information "for a threatening letter, the purport of fuch letter is a mat"ter of fact, or of law?"

2. "Whether, in a trial for high treafon, and where let"ters were adduced as evidence, the purport of fuch letters "be a matter of fact, or of law?"

Lord MULGRAVE argued ftrongly for the propriety of fettling the doubt, which their Lordfhips had the beft opportunity of feeing did exift on this fubject; and he quoted an opinion of Lord Chief Juftice Fortefcue, for giving to the jury the whole queftion; but he contended, above all, againft fuffering the queftions to go to the Judges. Did they mean to affume their anfwers as reafons for or againft the bill? If fo, the judicial were to be mixed with the legiflative functions—a

thing hoſtile to the ſpirit of the conſtitution, and inconſiſtent with policy and reaſon.

Viſcount STORMONT ſaid, as he did not conceive it to be the intention of the Houſe to enter into any long diſcuſſion this night, he would only trouble their Lordſhips a few minutes, in conſequence of what had fallen from the noble Lord who had ſpoke laſt. That noble Lord had put the ſubject in a new light, and the queſtion now was, whether any queſtion ought to be put to the Judges or not? On a ſubject of ſuch a nature, and of ſo great importance as the preſent, their Lordſhips certainly might entertain doubts, and if theſe doubts were not removed, they might be in danger of finding that to be law, which really was not, and for this particular cauſe, above all, he thought that the opinion of the Judges ought to be aſked, as the ſureſt and ſafeſt guide for their Lordſhips' government in paſſing ſuch a bill as the preſent.

The Earl of LAUDERDALE wiſhed to ſay a few words reſpecting the preſent practice of the Judges, as it was ſtated to be by the noble and learned Lord who had ſpoken lately, and with all due ſubmiſſion he would endeavour to put that matter to rights. The learned Lord had ſaid, the practice of the Judges was never to refuſe any evidence for the defendant, that tended to clear him of ſeditious motives. One inſtance of the contrary, he begged leave to offer to their Lordſhips, becauſe, though it might be pretty generally known, yet perhaps all of them had not read it. It was the caſe of the Dean of St. Aſaph. The only evidence which he, as defendant, offered, was the appearance of reſpectable witneſſes to prove his character, and their opinion was, that from the knowledge they had of him, they did not believe that he could have publiſhed the pamphlet from ſeditious motives. This the Judge did not refuſe, but he added a remark of his own, which was, that character had nothing to do with the jury, in finding guilty, or not guilty, of publiſhing, nor ought it in the leaſt to govern them in the caſe. If this could not be called withholding evidence, he certainly thought it was very near it. He was therefore for proceeding in the bill, without farther delay.

Lord GRENVILLE ſaid, he wiſhed, for the reaſons given, that the queſtions propoſed might be put, becauſe he thought it was material to have the law explained and fairly underſtood,

that no doubt might be about what juries could or could not do; and certainly the most effectual way to do this, was to have those questions now proposed resolved, particularly at the present juncture, when every attention was necessary that tended to preserve inviolate the existing laws, and the constitution as it now stands. He was at the same time well aware, that the present mind of the country was such, that juries of the present day would not readily acquit a man guilty of seditious libels, nor could such a circumstance occur, except when a jury was misled by an ingenious advocate. He was clearly for putting the questions, that all doubts might be removed; and he gave it as his decided opinion, and wished that the law might be the same for the government of all juries, and in all places over the kingdom, whatever Judge a case might come before.

The motion for putting the questions to the Judges was put and carried.

The House adjourned.

Monday, 30th April.

Several public and private bills received the Royal assent by virtue of a commission under the Great Seal.

The House adjourned.

Tuesday, 1st May.

Read a third time and passed, the consolidated fund bill, and several private bills.

The House adjourned.

Wednesday, 2d May.

The Earl of ELGIN, in a short speech, moved the second reading of the bill for granting relief to the pastors, ministers, and others, of the episcopal communion in Scotland.

The LORD CHANCELLOR left the woolsack, and went at some length into the ecclesiastical history of the country; he opposed the bill, upon the principle that no

persons whatever could be Bishops legally, except such as had gone through the usual and necessary forms of ordination, established by the 10th of Queen Anne. He admitted in general terms that some relief might be given with safety to the persons described in the bill, but pointed out several political and technical objections to the bill in its present form.

Lord Viscount STORMONT replied to the noble and learned Lord, and contended, that such a bill, though with some amendments and additions which it might receive in a Committee, was proper and expedient—the penalties which the class of men it went to relieve were liable to, had been enacted in very different times from the present; when those who were Episcopals in Scotland, were avowedly disaffected to the Family on the throne; the case was very much otherwise now, when they not only of their own accord prayed for the King by name, and the family succession, but took all the oaths that Government required of the established clergy in this country. With regard to the amendment proposed by the noble and learned Lord, that the episcopal pastors in Scotland should be ordained by some prelate of England or Ireland, he thought it was, with all due deference, impossible for the episcopals in Scotland ever to agree to it; because, how could those who had for many years back advanced that they were sufficiently ordained, and had acted upon that supposition, reconcile themselves to a second ordination without giving the lie to all that they have already maintained? If they were conscientious men, which there was every reason to believe they were, they never could agree to a second ordination: and if they were not, they deserved no relief at all. With regard to marriages, it was well known that marriage was nothing more in Scotland than a civil contract; and if a party from Scotland came to their Lordships' bar to have a marriage annulled for no other reason than that the ceremony was performed by an episcopal clergyman of that country, he did not believe that the noble and learned Lord would for a moment hesitate to refuse such a claim. The noble Viscount

concluded by an apology to the Houſe for taking up ſo much of their time in this ſtage of the bill.

The Biſhop of ST. DAVID's ſaid, my Lords, I am happy to perceive, that in the ſentiments, which I have to deliver to your Lordſhips upon the preſent ſubject of diſcuſſion, I ſhall not have the misfortune to differ very widely, in any thing that eſſentially regards the principle of the bill, from the noble and learned Lord upon the woolſack. My Lords, a wide difference from him I ſhould call a misfortune, becauſe it would neceſſarily produce in me a degree of miſtruſt of my own judgement, which would conſiderably abate the ſatisfaction which otherwiſe I might feel in following what ſtill might be the firm and full conviction of my own mind. Nevertheleſs, my Lords, in any queſtion in which the intereſt of religion, the public weal, and the credit of the Legiſlature, might be concerned; a queſtion of juſtice and mercy towards a ſuffering part of the family of Chriſt, it would ill become me to be concluded in the vote that I ſhould give upon any authority but that of my own conviction; and it might not leſs miſbecome me to oppoſe a high authority by a ſilent vote, without ſtating to your Lordſhips the grounds on which my contrary conviction ſtood.

My Lords, the principle of this bill has been ſo clearly ſtated by the noble Earl, (Lord Elgin) who moved the ſecond reading, and ſo well illuſtrated by the noble Viſcount (Lord Stormont) who ſpoke laſt, that it is unneceſſary to dwell upon it. The object of the bill is to relieve certain Diſſenters from the eſtabliſhed Church of Scotland, well affected to his preſent Majeſty and the proteſtant ſucceſſion, from the penalties of diſaffection impoſed by former laws.—My Lords, the hardſhip under which they labour conſiſts not in the ſeverity of the penalties. Diſaffection in former times was generally among perſons of their religious perſuaſion, though not neceſſarily connected with their religion. And of the meaſure of ſeverity that might be neceſſary for thoſe times, the Legiſlators of thoſe times were the Judges. But, my Lords, the hardſhip is, that the preſent generation, being converted from the diſaffection of their

anceſtors, and retaining only their religious principles, cannot by any thing they can do, by any ſecurity that they can give for their good conduct and ſubmiſſion to Government, ſecure themſelves againſt the penalties of diſaffection. As cordially attached as any of us to the exiſting Government, taking the oaths that we all take, praying in their aſſemblies for His Majeſty King George and the Royal Family, by name, in the terms in which we of the Church of England in our own liturgy pray for them; ſtill they are liable, Clergy and Laity, to all the penalties of the 19th of George the Second.

My Lords, the good policy of this bill of relief is not at all connected with any queſtion about the antiquity of the practice of praying for Sovereigns. From what fell from the noble and learned Lord, I think there muſt be a miſtake upon that point. His Lordſhip muſt have received ſome miſinformation. My Lords, I cannot believe that theſe Epiſcopalians ever alledged the example of the ages before Conſtantine, in juſtification of their omiſſion, in former times, of praying for the King by name. Prayers for Sovereigns is one of the very oldeſt parts of Chriſtian worſhip. Theſe Epiſcopalians muſt very well know, that the precept of praying for Kings, and all that are in authority, is 300 years older than Conſtantine; and that it was the conſtant practice of the earlieſt Chriſtians to pray ever for the Princes that perſecuted them. My Lords, their omiſſion of praying for the King, by name, was owing to their notions about indefeaſible hereditary right, which would not ſuffer them to renounce the family to which their allegiance had once been ſworn, nor to adopt the principles of the revolution. The omiſſion was not defended by any pretended example of antiquity. It ſtood upon no better ground than that of groſs and avowed diſaffection.

But, my Lords, the example of the ages before Conſtantine muſt have been alledged to a very different purpoſe. It has been alledged by theſe Epiſcopalians, to juſtify their claim to an Epiſcopacy, and to explain what ſort of Epiſcopacy that is which they claim. My Lords, it is not

my wiſh to lead the Houſe into the perplexities of that theological diſcuſſion. I ſhall compriſe what I find neceſſary to ſay upon it in very few words. My Lords, theſe Epiſcopalians take a diſtinction, and it is a juſt diſtinction, between a purely ſpiritual and a political Epiſcopacy. A political Epiſcopacy belongs to an eſtabliſhed Church, and has no exiſtence out of an eſtabliſhment. This ſort of Epiſcopacy was neceſſarily unknown in the world before the time of Conſtantine. But in all the preceding ages there was a pure ſpiritual Epiſcopacy; an order of men ſet apart to inſpect and manage the ſpiritual affairs of the Church, as a ſociety in itſelf totally unconnected with civil Government. Now, my Lords, theſe Scotch Epiſcopalians think, that, when their Church was caſt off by the ſtate at the revolution, their Church, in this diſcarded divorced ſtate, reverted to that which had been the condition of every Church in Chriſtendom, before the eſtabliſhment of Chriſtianity in the Roman Empire by Conſtantine the Great; that loſing all their political capacity, they retained however the authority of the pure ſpiritual Epiſcopacy within the Church itſelf; and that is the ſort of Epiſcopacy to which they now pretend. I, my Lords, as a Churchman, have ſome reſpect for that pretenſion. But I have no wiſh to lead the Houſe into a diſcuſſion about it. The merits of the bill reſt not on the validity of that Epiſcopacy in any ſenſe. In what ſenſe the Biſhops of this Church of Scotch Epiſcopalians may be Biſhops, whether they are Biſhops in any ſenſe, is not the queſtion. What the validity of their ordinations may be, is not the queſtion. The ſingle queſtion is, are theſe Scotch Epiſcopalians good ſubjects, and do they hold religious principles, in the emphatic language of the noble and learned Lord on the woolſack, *fit to be tolerated?* That is to ſay, are they good ſubjects, and do they agree with us in the fundamentals of Chriſtianity? for thoſe are the religious principles *fit to be tolerated.* If they can ſatisfy us on theſe points, the Legiſlature is not at all concerned in the queſtion of the ſpiritual validity of their orders. My Lords, conſider only how we deal with Proteſtant Diſſenters here in England; for all that I would aſk for our Scotch brethren is, that they, as Diſſenters from the eſtabliſhed Church of Scotland, ſhould be put upon the ſame footing with the Proteſtant Diſſenters from the Church of England.

My Lords, by the Toleration act of the 1st of William and Mary, a Pastor of a congregation of Protestant Dissenters must enter the place and situation of his meeting-house; he must give in his own name and place of abode; he must take the oaths to Government; and he must shew that he agrees with us in the fundamentals of the Christian religion; and by the terms of that statute, which is the narrowest of all the present schemes of toleration, he must moreover testify his agreement with us in the general principles of Protestantism. This he does by subscribing a great many of the 39 articles. My Lords, when the dissenting Minister has complied with these conditions, he is never asked, no one has authority to ask him, "Sir, how "comes it that you call yourself a Clergyman? What are your "orders? By whom were you ordained? By what ritual?"— He has given the security, that all good subjects give, for his loyalty to Government. He professes religious principles *fit to be tolerated*. That is enough. He is admitted, without farther inquiry, to all the benefits of toleration. Now, my Lords, here are a set of Dissenters from the established Church of Scotland, good subjects, and holding religious principles very *fit to be tolerated*, my Lords; for the cause of their dissent from the established Church of Scotland, is their very near agreement with the established Church of England; and they approach your Lordships with this modest request, that they may not be more hardly dealt with, than Protestants of various denominations, differing more widely from both establishments.

My Lords, one thing that fell from the noble and learned Lord on the woolsack, struck my mind very forcibly, as deserving, I mean, a serious consideration. His Lordship gave it as his opinion, that it would be for the credit of Episcopacy in Scotland, that their congregations should be supplied with Ministers, according to the intention of the 19th of the late King, ordained by Bishops of the English or Irish Church. The noble and learned Lord, if I took his argument right, said, that the statute, passed in favour of the Scotch Episcopalians, in the 10th of Queen Anne, would bear him out in that opinion. That statute made it "free and lawful for all those of "the Episcopal communion in that part of Great Britain called "Scotland, to meet and assemble for the exercise of Divine

"worſhip, to be performed after their own manner, by Paſ-
"tors ordained by a Proteſtant Biſhop." The noble and learned Lord conceives, that under the latitude of this expreſſion, "a Proteſtant Biſhop," the ſtatute meant indeed to tolerate the ejected Biſhops, and the Clergy immediately ordained by them, but not to extend the toleration to the ſucceſſion. My Lords, I muſt take the liberty to differ from the noble and learned Lord upon the conſtruction of this ſtatute of Queen Anne. I think it was the intention of the ſtatute to extend its toleration, beyond the ejected Biſhops themſelves, to the whole ſucceſſion. For I find, my Lords, that of the thirteen Biſhops of Scotland ejected at the Revolution, (the dioceſes were in all fourteen, but it happened that one ſee was vacant when the Revolution took place; thirteen Biſhops, therefore, were ejected. Now of thoſe thirteen) ſeven certainly, probably eight, were dead before the 10th of Queen Anne, and a ninth was out of the kingdom; for he fled with the abdicated King. At the time, therefore, when this act was paſſed, no more than four of the ejected Biſhops were alive, and within the kingdom. And four new conſecrations had taken place; two in the 4th of Queen Anne, and two more in the 8th. At the time, therefore, when this act was paſſed, the Scotch Epiſcopacy conſiſted of an equal number of the original Biſhops, and of the ſucceſſion; four of each; and if it was the intention of the act, as the noble and learned Lord has argued, to confine the toleration to the ejected Biſhops, and exclude the ſucceſſion, I can only ſay, my Lords, that the framers of that ſtatute did their buſineſs not quite ſo well as buſineſs of that ſort was uſed to be done in thoſe times.

My Lords, with reſpect to the intereſts of Epiſcopacy in Scotland, my opinion is unfortunately the very reverſe of that of the noble and learned Lord. The credit of Epiſcopacy will never be advanced by the ſcheme of ſupplying the Epiſcopalian congregations in Scotland with paſtors of our ordination. And for this reaſon, my Lords, that it would be an imperfect, crippled Epiſcopacy that would be thus upheld in Scotland.— When a Clergyman, ordained by one of us, ſettles as a paſtor of a congregation in Scotland, he is out of the reach of our authority. We have no authority there; we *can* have no authority there. The Legiſlature can give us no authority there.

The attempt to introduce any thing of an authorized political Episcopacy in Scotland, would be a direct infringement of the Union.

My Lords, as to the notion that Clergymen should be originally ordained by us to the ministry in Scotland, I agree with the noble Viscount, that the thing would be contrary to all rule and order. No Bishop, who knows what he does, ordains without a title. And a title must be a nomination to something certain in the diocese of the Bishop that ordains. My Lords, an appointment to an Episcopal congregation in Scotland is no more a title to me, or to any Bishop of the English Bench, or any Bishop of the Irish Bench, than an appointment to a Church in Mesopotamia.

My Lords, with respect to marriages, I agree with the noble and learned Lord on the woolsack, that, if this bill should pass, the Episcopalians will be authorised to marry in their meeting-houses by the 10th of Queen Anne. But, my Lords, I see no inconvenience that can arise from this. It will open no door to clandestine marriages. For though they will be authorised to marry, they will not be authorised to marry otherwise than in conformity to the regulations of the 10th of Queen Anne; that is to say, they can marry those only whose banns have been regularly published, not only in the meeting houses where the marriage is to be solemnized, but in the kirks of the parishes where the parties are resident.

But, my Lords, I go farther. I say, that this bill will give them no authority with respect to marriages, but what they do already enjoy and exercise. My Lords, the fact is, that these Episcopalians do *now* solemnize marriages every day. They solemnize marriages legally. They solemnize marriages under the express covert and sanction of the persecuting statutes. And these marriages so solemnized by them——My Lords, in what I am going to assert, I stand in the judgement of noble Lords to whom the laws of Scotland are more accurately known than they may be supposed to be to me——But, my Lords, these marriages solemnized by these Episcopalians, are, I say, good and valid by the laws of Scotland. And, my Lords, the ground of my assertion is this: our marriage act extends not to Scotland. Therefore by the law and usuage of Scotland it is not necessary that any should be present at a wedding, except

the parties themſelves (that is two) the man, who is to act as father and give the bride away (that is three) and the Clergyman, or pretended Clergyman, who is to perform the ceremony, (that is four.) Now, my Lords, by the expreſs permiſſion of the 19th of the late King, which I call the perſecuting ſtatute, four perſons may aſſemble for the celebration of any religious rite. For the meeting is not illegal, unleſs five be preſent, over and above the members of a family, if the place of aſſembly be a houſe inhabited by a family, or five, if the place of aſſembly be a houſe not inhabited by a family.

My Lords, theſe are my notions upon the points that have been agitated. I ſhall not go into points that have not been brought forward in objection, though I am prepared to meet any other objections that might be moved. But I am ſenſible that I have already taken up too much of your Lordſhips' time, and I fear, rather irregularly, when in fact no expreſs queſtion is before the Houſe. I am aware that the bill muſt receive amendments in the Committee, and perhaps additions. But the principle of the bill has my entire approbation.

Lord HAY (Earl of Kinnoul) made a ſhort ſpeech in favour of the bill, upon the principles of univerſal toleration; after which, the bill was read a ſecond time, and committed for Wedneſday next.

The Houſe adjourned.

Thurſday, 3d May.

Lord Mornington and other Members deſired a conference with their Lordſhips, upon a matter of high concern to the honour and intereſt of the kingdom.

The conference was immediately held in the Painted Chamber; the Duke of Leeds in the chair; with eleven other Peers.

The Chancellor of the Exchequer, Mr. Fox, and Mr. Wilberforce, Sir Watkin Lewes, and other Members, attended below the bar, when Mr. Pitt addreſſed the Chair; and delivered the reſolutions which the Commons have already come to, for the gradual abolition of the ſlave trade.

The report of the conference was made by the Duke of Leeds, and the ſeveral reſolutions were read.

Lord GRENVILLE faid, it was his intention to move the Houfe, that the papers tranfmitted from the Commons might be printed, that the Houfe might be in poffeffion of the facts; and it appeared to his Lordfhip impoffible for any noble Lord to object to the refolutions fubmitted by the Commons to their confideration.

Lord STORMONT infifted that proof of all the facts on which the refolutions of the Commons were founded, ought to be authenticated upon oath at the bar of the Houfe. In the cafe of the Irifh propofitions, this was the mode adopted. His Lordfhip never would give up the privilege and power of that Houfe to judge for itfelf, and would not give implicit confidence even to the Houfe of Commons.

Earl STANHOPE called it an abominable accurfed trade, which needed no other proof than to prove the exiftence of it, in order to convince the noble Lords, in common with the reft of mankind, that it ought to be abolifhed. If the traders in that infamous traffic had any fubftantial proof to do away the general opinion which exifted of the cruelty of the trade, the *onus probandi* lay upon them.

The Duke of CLARENCE, (his maiden fpeech) in a tone of delivery very neat and animated, declared, that he had no previous intimation that a queftion of this magnitude would be fuddenly brought forward, but as he now underftood that a noble Lord (looking at Lord Grenville) intended to move the Houfe to approve of the feveral votes which the Commons had brought up, for the gradual abolition of the flave trade, he intended to give his reafons why it ought not to be abolifhed at all. He had proofs in his poffeffion, and moft certainly would adduce them, that the evidence given before the Committee of the Houfe of Commons, was at leaft erroneous, if not worfe. The negroes were not treated in the manner which had been fo fuccefsfully held up to the public view, and had fo much agitated the public mind. He had been an attentive obferver of the circumftances attending the ftate of the negroes, and had no doubt—(Here he apologifed for his want of information of the rules of the Houfe—Hear! Hear! was the refponfe) but he could bring forward proofs to convince their Lordfhips, that their ftate was far from being miferable; on the contrary, when the various ranks of fociety were confidered and contem-

plated, they were comparatively in a ſtate of humble happineſs. Another circumſtance had great weight with his Royal Highneſs, namely, that an implicit obedience to the dictates of the Houſe of Commons, much as he, as an individual Peer, reſpected that Houſe, would render the Houſe of Peers uſeleſs, and thus the natural and conſtituent balance in the conſtitution would be endangered. This he never would endure. Full and ſubſtantial proof only would ſatisfy him, that the enormities complained of actually exiſted. Another conſideration was, the great property and the immenſe commerce which were intimately connected with this trade. Upon the whole, he was determined to bring forward his proofs at a future period of the buſineſs; and he hoped he had not tranſgreſſed the rules of the Houſe.

The Lord Chancellor, and ſeveral other Lords, ſpoke a few words; but no queſtion was moved. The converſation dropped, and the Houſe adjourned.

Friday, 4th May.

Counſel heard on an appeal.

The Houſe adjourned.

Monday, 7th May.

Several bills were brought from the Commons and read a firſt time.

The Houſe adjourned.

Tueſday, 8th May.

Lord STORMONT ſaid, he had taken the liberty of moving, to have their Lordſhips ſummoned, in order to call their attention to the reſolutions ſent up by the Houſe of Commons, relative to the abolition of the ſlave trade; reſolutions, of as important a nature as ever had been ſubmitted to their Lordſhips' conſideration at any period of our hiſtory. His Lordſhip was ſatisfied, that it was unneceſſary for him to remind the Houſe, that it was not only their immediate duty to call witneſſes to their bar, to give evidence to ſatisfy themſelves of the truth of the facts upon which the Commons had proceeded,

but that they had an undoubted right to alter and modify every resolution that the other Houfe had come to, as to their wifdom fhould feem meet. His Lordfhip faid, he would not offer any argument in fupport of the motion, which he meant to fubmit to the Houfe, as he confidered it to be a motion of courfe, to which no reafonable objection could be offered; but if any objections fhould, contrary to his expectation, be made, he relied on their Lordfhips' indulgence to be permitted to make a reply. He concluded with moving,

"That this Houfe do forthwith proceed to examine evi-"dence on the fubject of the refolutions relative to the aboli-"tion of the flave trade, fent from the Houfe of Commons, "and into the prefent ftate of the Weft-India iflands, the "average quantity of fugar and rum that they produced, and "the whole of their trade."

Lord GRENVILLE began with expreffing his concern, that the noble Vifcount had changed his ground, fince they had laft entertained the fubject, and come forward with a motion, to which he not only could not give his concurrence, but fhould hold it to be his indifpenfable duty to propofe an amendment. It was agreed on all hands, that delay ought to be ftudioufly avoided, and that it was on every confideration neceffary that the queftion fhould be fet at reft as fpeedily as poffible. With that view of the fubject, he could not but declare, that he thought the noble Vifcount's motion objectionable, as it would rather tend to procraftinate than to accelerate the decifion of the great and important queftion, to which their Lordfhips muft ultimately come. For his part, from what he knew of the fubject, he had no fcruple to acknowledge that his mind was made up completely upon it, and he was ready to agree to the refolutions of the Houfe of Commons; at the fame time, however, he profeffed himfelf to be open to conviction, and that if any evidence could be brought, or any arguments be urged, of fufficient weight and force to do away the ftrong impreffion that his mind had received, he would yield to it due deference. But clear he was, that delay, let the ultimate decifion of the Houfe be what it might, ought to be avoided; and he conceived the receiving evidence up ftairs in a Committee would fave time, and effentially accommodate the Houfe. He reminded their Lordfhips of the ftate of public bufinefs, which

pressed upon their time, and would necessarily engage the greatest part of their attention for some weeks to come. He said, it was by no means contrary to the usage and practice of Parliament to take evidence in a Committee above stairs; that the House had done so on two important occasions, viz. on the Boston Port bill, previous to the American war, and on a much more recent occasion, which could not but have left a lasting impression on the minds of every one of their Lordships. He trusted, therefore, that the House would agree with him in the amendment that he should move. He contended, that for the sake of preserving the national character from disgrace, the slave trade ought to be abolished. He described it not only as a traffic founded in inhumanity and injustice, but as a traffic impolitic and unnecessary. He said, it had been universally agreed, that our old West-India islands ought not to have new cultivation introduced in them, and that if they could be maintained in their present state of cultivation, every object of the planters, and those interested in them, would be answered.—Were that fact ascertained, he flattered himself no man would confess himself an advocate for the continuance of a trade so unprincipled. He desired to be understood, as not meaning to insinuate any thing to the prejudice of any description of persons, or of any individual whatsoever; but sincerely desirous, as he was, of coming to a decision upon the great question as speedily as possible, and at the same time of having every necessary information before them, he begged leave to move, that the words, " this House," be omitted, and the words, " A " Committee of this House above stairs," be inserted in the question.

The LORD CHANCELLOR, having stated the question, as originally moved, and the amendment,

The Duke of CLARENCE contended that the cultivation of the West-India islands could not be kept up to its present extent, without fresh supplies of slaves by importation. Of this he was well informed, that satisfactory evidence would be produced at their Lordships' bar. But even if this were not the case, who could say, that without injustice, the planters were to be prevented from extending the cultivation of their estates, by depriving them of the means? He considered the question as of the utmost importance to the commerce, the navigation,

and the maritime ſtrength of the country, on all which points their Lordſhips might ſatisfy themſelves by evidence at the bar. If the reſult of that evidence ſhould be to prove that the ſlave trade might be aboliſhed with ſafety, he ſhould retract the opinion he had formed. If, on the contrary, the effect of the evidence ſhould be to prove that it could not be aboliſhed with ſafety, he ſhould certainly oppoſe it.

Lord STORMONT roſe again in ſupport of his motion, and began with ſome preliminary arguments relative to his conduct, when the ſubject had laſt been under diſcuſſion. The noble Secretary of State, he ſaid, had been miſtaken, in ſuppoſing that he had then meant to come forward with a motion in any eſſential degree different from that which he had juſt made. He explained, that his intention had been, to have moved, that the Houſe reſolve itſelf into a Committee of the whole Houſe, for the purpoſe of receiving evidence, and that the only difference was, that he had then moved, "that the "Houſe itſelf do forthwith proceed to receive evidence."— The noble Secretary of State had on the former day offered to ſecond his motion, and therefore he was not a little ſurpriſed at the objections he had then ſtated. Their Lordſhips would recollect, that when the Iriſh propoſitions were under their conſideration, they had heard evidence at their bar, and ſurely the preſent was not a leſs important ſubject of inquiry, than the reſolutions of the Houſe of Commons relative to the Iriſh propoſitions. The noble Secretary of State, he remarked, had talked of the period of the ſeſſion, an objection which appeared to him to be but of ſmall validity, ſince they were only in the firſt week of May, and he perfectly well recollected his having ſweltered in debate in the middle of July. The noble Secretary of State had ſaid, that his mind was made up upon the ſubject; but ſurely, however enlightened that noble Lord might be upon the great queſtion that would ultimately call for their deciſion, he would not deny other noble Lords the opportunity of availing themſelves of ſome of thoſe lights which he had obtained upon the ſubject. His Lordſhip contended, that examining witneſſes at their bar, was the only dignified mode of proceeding, in a matter of ſuch great magnitude, and that it ought not, like light and trivial topics, to be ſent to a Committee above ſtairs, where they all knew buſineſs was tranſacted in

a more flovenly and lefs folemn manner than in the Houfe. For thefe reafons he muft adhere to the original motion.

Lord GRENVILLE faid, he did not mean at prefent to enter into any difcuffion whatever concerning the degree of compenfation to be granted to thofe who might think their property injured. He declared for his own part that he required no farther information on the fubject than he was already poffeffed of to pronounce the opinion which he had formed upon this queftion. He certainly was not fo obftinate in his opinions as to be deaf to conviction, if evidence could be produced, that upon examination the facts already brought forward fhould turn out to be otherwife than he had received them. The great queftion he took to be this: whether importation of African flaves into the Weft-India iflands was neceffary to keep up thofe iflands in their prefent ftate of cultivation? And whether it was proper or juft to continue this abominable and difgraceful trade for the purpofe of increafing the cultivation? The laft feemed to be given up by the friends of the flave trade, and the other he was perfectly fatisfied about likewife. He knew of no confideration that ought to induce a great and free country to continue a traffic fo inhuman. With regard to what had been faid of the debates during the American war, and on the queftion of regency, he did not fee how either cafe applied to the prefent.

Lord PORCHESTER faid, it was much to be wifhed that the noble Lord, who feemed to be fo well informed upon this fubject, would diffeminate fome of thofe lights which he had received to other noble Lords, that might enable them to give their votes as eafily as the noble Lord; hitherto they were not poffeffed of any fuch proofs. He referred to what had been urged by a noble and learned Lord, of high authority in that Houfe, upon the libel bill, and the neceffity there was for taking the opinion of the Judges in that cafe; and then afked, whether the importance of the prefent queftion was not of that magnitude that entitled it to a very deliberate difcuffion, and perhaps doubts might arife, that required the opinion of the Judges, which could not be obtained if they went to an up-ftairs Committee. Suppofing even that their Lordfhips were to refolve that the trade was illegal, how could they difpofe of the petitions which lay on their table, from a very refpectable body

of men, without inquiring at all whether the apprehensions and alarms, which the abolition gave rise to, were well founded or not. He was clearly for hearing evidence at the bar.

The Bishop of LONDON said, he thought himself, from what he already knew, sufficiently warranted to declare that the slave trade ought to be abolished. With regard to the mode of examining witnesses, he thought an up-stairs Committee preferable to hearing evidence at their Lordships' bar, because it could be sooner finished that way; and when noble Lords reflected that every year, nay, every month, that they delayed the abolition, they were condemning thousands of their fellow-creatures to captivity and death, they would not delay for one moment coming to resolutions on the subject. Independent of all that had been said of the treatment of those unfortunate wretches in the West Indies, he was convinced and satisfied that the methods of procuring them in Africa were wicked and abominable in the extreme. What he had seen of the evidence afforded not only a curious history of Africa, but the strongest proofs that the African slave trade was in every branch of it repugnant to religion, morality, and justice. Being therefore convinced that it was essentially and radically vicious, except very strong evidence indeed of the contrary could be brought, his mind would be made up on the question, from what he already knew. He begged leave to say, that he did not mean in any degree to throw the least reflection on the West-India gentlemen, for whom he had every reason to profess high respect. If it could be proved that an abolition of the slave trade would materially affect their property, or produce ruin to the islands, that, he confessed, would stagger his mind; but he believed it to be quite otherwise, and that a very short time would convince both this country, and those islands, that the abolition was for their mutual interest and advantage. As to the alarms occasioned by the discussion of this subject, he would only say, that the discussion of any great measure must be attended with alarms and agitation to the public mind.— When the Regulation bill was brought forward, and argued, it created much alarm, and was said to be ruinous to West-India property; and yet no such consequence had taken place. From this, the learned Prelate was referring to the Russian armament, and other great questions, which had occupied the public mind, when

The Duke of LEEDS ſpoke to order, and reminded the noble and learned Lord, that this was not the time for entering at large into a diſcuſſion of the ſlave trade, far leſs into queſtions entirely diſtinct from it.

The Biſhop of LONDON recurred to his argument, and ſtated, that as a Member of the Privy Council, he had for thirteen months together had an opportunity of examining into the ſubject, and that he ſpoke from the fulleſt experience, when he ſaid, the ſlave trade was a trade unfit to be carried on or protected by any nation profeſſing religion, morality, or even common juſtice; and that to talk of regulation or reform in its practice, was an idle waſte of words, ſince the trade was incapable of correction, and therefore ought to be aboliſhed. But he declared, he was far from meaning to ſhrink from the queſtion, and was ready to conſent, that evidence might, in the moſt ſolemn way, be examined at the bar, upon oath, conſcious that the more it was inveſtigated, the more it would be felt, that it ought to be put an end to.

Lord HAWKESBURY thought it conſiſtent with their Lordſhips' wiſdom and dignity not to agree to any reſolutions formed elſewhere, without being in poſſeſſion of ſufficient evidence; the beſt way to arrive at which, he took to be by examination at the bar. In arguing the commercial intereſt which this country had in the Weſt-India trade, a good deal had been ſaid reſpecting ſugar, but he deſired noble Lords to conſider, that there were other articles of that trade which were of equal value, and deſerved equal attention, coffee and cotton, particularly the latter, which was a very profitable and eſſential one. A certain number of noble Lords who had ſpoken, recommended evidence being heard at the bar, others had preferred an up-ſtairs Committee, and each ſeemed ſatisfied that their mode was right; but could all their Lordſhips ſay, that they were ſufficiently informed and ſatisfied on this ſubject?— He would not heſitate to ſay, that the commercial intereſts of the country would ſuffer by an abolition of the ſlave trade; and he agreed in what had been ſo ably ſtated by a noble Duke, that the navigation of the country muſt ſuffer, and he knew the revenue muſt. He begged their Lordſhips might conſider themſelves a Court of Judicature, as well as humanity, and have ſome reſpect for charters granted, and acted upon for

more than a century and an half, which, in his mind, they were either pledged to adhere to, or to make compenſation to thoſe who were ſufferers, and deceived by the ſanction they had ſo long received. If the petitioners prayed to be heard by Counſel at the bar, he thought it could not be refuſed to them; the great caſes that had been alluded to, and the manner in which they had been diſcuſſed, he thought were very proper and applicable precedents.

Lord SYDNEY made a ſhort ſpeech in favour of hearing evidence at the bar, and thought the queſtion might be as expeditiouſly diſcuſſed in that way as by a Committee up-ſtairs, in the way of the Committees of Privileges on the Scotch Peerage election, and the trial of Mr. Haſtings, which ſat two days a week, and would interfere with a Committee up-ſtairs even if that mode was adopted.

Lord SOMERS ſaid a few words in ſupport of the argument of Lord Hawkeſbury,

The LORD CHANCELLOR left the woolſack, and began with expreſſing his approbation of the form of Lord Stormont's motion, which referred to all the trade of the Weſt-India iſlands, and neceſſarily included cotton, as well as ſugar and rum. His Lordſhip conſidered the reſolutions of the lower Houſe of Parliament, as an attempt to legiſlate in this country for the regulation of the Weſt-India iſlands internally, which he ſtated to be perfectly new, and altogether unprecedented. Viewing, therefore, the very great importance of the object, it was incumbent on their Lordſhips to act independently and ſubſtantively for themſelves, without being at all guided or governed by the conduct of the Houſe of Commons. If he could be ſatisfied that the Weſt-India iſlands could be better cultivated by a different mode of cultivation, than the planters themſelves practiſed or thought practicable, he ſhould perhaps be willing not merely to encourage the planters to adopt that mode of cultivation, but ready to employ ſome degree of force, to oblige them to adopt it. He glanced at the long continuance of the African trade, and aſked how it happened that in the year 1792, that trade ſhould be conſidered as utterly unfit to be continued, which the Legiſlature had for ſo long a ſeries of years, not only legalized, but uniformly encouraged? With regard to the immediate queſtion before the

Houſe, it was well known, that ſeveral noble Lords had indiſpenſable avocations on the forenoon of every day, and could not poſſibly attend a Committee above ſtairs; that undoubtedly the ſubject was large enough to call for every degree of ſolemnity and dignity that the Houſe, by any of its forms, could give its proceedings upon it, and that it would not be pretended, that buſineſs was tranſacted in a Committee above ſtairs with the ſame degree of ſolemnity as in that Houſe. With reſpect to the two precedents that had been cited by the noble Secretary of State, he did not ſee any ſort of analogy between them and the ſubject under diſcuſſion. In the caſe of the Boſton Port bill, the Committee above ſtairs were appointed, not to examine witneſſes and receive evidence, but merely to have certain papers, that had been preſented to the Houſe, referred to them for the purpoſe of their inquiry into the truth of their contents, and reporting thereupon to the Houſe. In the other caſe, in which their Lordſhips' conduct reflected ſo much glory on the character of the Sovereign, and ſo much credit on themſelves, they muſt all recollect that the object of the Committee was only to ſearch for, collect, and report precedents. Neither of theſe inſtances therefore went to the preſent point; and upon a conſideration of the arguments uſed on all hands, he thought the original motion ought to be ſuſtained.

Earl STANHOPE ſaid, the noble and learned Lord had treated this ſubject more with ſophiſtry than argument; but its importance and clearneſs put ſophiſtry entirely out of the queſtion; what particularly called him up was, the very curious propoſition of the noble and learned Lord, when he ſeemed ſo delicate to interfere in legiſlating for the internal government of the colonies. Certainly the ſlave trade in Africa was no article of internal legiſlation; and this doctrine ſurpriſed him the more, when he recollected the ſentiments of that learned Lord during the American war; but what muſt he think of the noble Lord's delicacy for the internal government of the iſlands, by not putting an end to the African ſlave trade, when he follows that up by a declaration, that if extending their cultivation was profitable, this country ſhould force them to it; this, in his opinion, looked ſomething more like legiſlating for the colonies than the other. The caſes alluded to were foreign

to the queſtion, and he was decidedly for proceeding with the utmoſt diſpatch to a complete abolition.

Lord RAWDON ſaid, he ſhould not have uttered a ſyllable on the ſubject of the preſent queſtion, had he not heard what had juſt fallen from the noble Earl, whoſe warmth he could not but diſapprove, ſince the ſubject, from its importance, from the bearing it had upon our commerce, our navigation, and colonial intereſts, ought to be diſcuſſed and conſidered with the utmoſt temper, and the moſt governed moderation. He profeſſed himſelf a friend not only to abolition, but an advocate for immediate abolition, as his mind would not allow him to compound with iniquity. He highly approved of the ample manner in which the noble and learned Lord on the woolſack had argued the ſubject, and thought the queſtion lay in a very narrow compaſs. His Lordſhip recommended it to the Houſe to treat the whole of the conſideration with candour and coolneſs. He alſo ſaid, he thought the noble Secretary of State wrong in having in that early ſtage of the buſineſs aſſerted that he had made up his mind on the ſubject. Every noble Lord ought to be open to conviction, and the reſolutions of the Houſe of Commons muſt fall far ſhort of the noble Secretary of State's idea, according to his own ſtatement, as his mind muſt neceſſarily go to nothing leſs than an immediate abolition.

The Biſhop of ST. DAVIDS's declared, that he wanted no evidence to convince him of the iniquity of the ſlave trade, which, from what he had read upon the ſubject, he was ſatisfied could not be countervailed by any principles of policy or expedience. He acknowledged, that he ſenſibly felt that conſiderations of moral duty muſt ever ſuperſede objects of mere policy, and in the caſe of the ſlave trade the cauſe of morality, religion and juſtice forcibly oppoſed itſelf to its continuance.—Admitted, as it was agreed on all ſides, that delay ought to be avoided, the queſtion was, which mode of proceeding was the moſt likely to accelerate, and to prepare and fit their Lordſhips for the diſcuſſion of the grand point, viz. the queſtion of abolition, and viewing the arguments that had been uſed fairly, he really thought the receiving evidence at the bar of the Houſe the moſt preferable mode of the two. He ſhould therefore vote for the noble Viſcount's motion, but he begged to be underſtood, as not, by ſo doing, ſignifying any intention what-

ſoever to be bound or reſtrained in the future progreſs of the diſcuſſion, from giving the moſt decided ſupport to the queſtion for the abolition of the ſlave trade.

Lord GRENVILLE roſe to clear himſelf from the imputation of impropriety, in having declared that he had made up his mind upon the ſubject, and ſhould vote for the abolition. He ſaid, that his inclination went to an immediate abolition, becauſe he was convinced that ſo ſcandalous a traffic ought not to exiſt an hour longer, and he had not raſhly formed this opinion, nor taken it up on light grounds. As a Member of the Privy Council he had heard all the evidence adduced before them, which alone would have been ſufficient to have convinced him, but excluſive of that, he had, as a Member of the Houſe of Commons, read the evidence given before their Committee, and he had two or three times ſanctioned his opinion by his vote, he thought it therefore manly to avow his opinion at once.

The Houſe divided.

Ayes (for the amendment)	36
Noes - - -	63

The original queſtion was therefore carried.

The Houſe adjourned.

Wednesday, 9th May.

In a Committee upon the Scottiſh Epiſcopalians bill, Lord Cathcart in the chair,

The Earl of ABINGDON ſaid, he roſe merely to ſay that he had no objection to the bill, provided it was not intended, as the jockies ſay at Newmarket "as a take-in," or in the more intelligible Scotch phraſe, "ſcratch me and I'll ſcratch "you," which in plain Engliſh is this: This bill, ſaid he, was for the purpoſe of removing certain diſabilities, under which the Diſſenters in Scotland, namely the Epiſcopalians, labour at preſent, which may be very fit and right to do; but if the doing of this was meant to be made uſe of as an argument why the Diſſenters in England, who are in part the Preſbyterians here, ſhould be entitled to ſimilar relief, he for one did not give his vote for this bill upon any ſuch ground, nor would he admit of any ſuch compromiſe.

The right reverend Prelate who ſpoke in ſupport of the bill, being perhaps what his brother of Landaff is, a diſſenting Biſhop, might have this in view, but he who was an Epiſcopalian, and no Preſbyterian, and having not yet found out the way of being both, muſt content himſelf with knowing that one cannot ſerve two maſters, and upon this ſcriptural doctrine he would reſt his conduct.

The LORD CHANCELLOR inſiſted, that the principle of toleration ſhould never be carried ſo far, as in the leaſt to trench upon the eſtabliſhed religion. Every thing ſhort of that, which could raiſe the credit, character, and fortunes of Diſſenters, ought to be conceded. His Lordſhip wiſhed to propoſe amendments to ſeveral of the clauſes, but not being prepared to ſtate them accurately, moved, that the Committee ſhould report progreſs, and aſk leave to ſit again on Tueſday next, which, after ſome converſation, was agreed to.

The Houſe adjourned.

Thurſday, 10th May.

Several private bills were read and gone through without any debate.

The Houſe adjourned.

Friday, 11th May.

Lord STORMONT had a motion to propoſe reſpecting the petitions of the Weſt-India planters; which, however, he ſhould not preſs at preſent, if the ſmalleſt objection were made to it, leſt it might occupy too much of their Lordſhips' time, on a day when ſuch very important buſineſs was before them. As the Houſe had determined to hear the petitioners by themſelves, or their counſel, it was proper to give them notice of the ſame, and to ſettle the order in which they ſhould be heard. He meant to propoſe, that ſuch of the petitions as went to the ſituation of the negroes in the Weſt-Indies ſhould be firſt conſidered, as he underſtood the petitioners were deſirous to have the benefit of Lord Macartney's evidence on that head.

Lord GRENVILLE had no objection whatever, and would go farther, by moving, that ſome one of the petitions ſhould be

ſpecified for conſideration on Monday next. He diſapproved of all delay in the buſineſs; and had he known, on the laſt night in which the ſubject was debated, that it was propoſed to defer the farther proceedings for ſo long a term as ſix days, late as was the hour, he ſhould have oppoſed the propoſition, and divided the Houſe upon it.

A petition was then appointed for Monday, and notice thereof ordered to be given to the agents.

Lord RAWDON roſe to give notice of his intentions on a point, in which he ſhould not have interfered, as it was already in the hands of a gentleman of the moſt reſpectable talents (Mr. Grey), but that he underſtood that gentleman did not mean to do any thing in it till next ſeſſion, not having yet obtained all the information he wiſhed for. This delay might be very neceſſary for perfecting the enlarged deſign in the contemplation of the honourable gentleman; but it was lamentable to reflect, that in the mean time a number of deſerving objects were languiſhing in the horrors of a priſon, from whom all hopes of relief were thus cut off for a long year. He ſhould, therefore, on an early day in next week, bring forward a propoſition, not for inquiring, but for empowering the Judges of aſſize, &c. to grant ſuitable relief in caſes which required it, between debtor and creditor.

The order of the day being read for receiving the anſwers of the Judges to the queſtions referred to them on the ſubject of Mr. Fox's libel bill,

The Lord Chief Baron read the ſame at the table:

"Unanimous Opinion of the Judges upon the ſeveral Queſtions put to them on the 27th of April, 1792.

"My Lords,

"The Judges have taken the queſtions, ſeven in number, which your Lordſhips have been pleaſed to propoſe to them, into their conſideration; they have conferred together, and have agreed upon anſwers, which I am now to ſubmit to your Lordſhips.

"Your Lordſhips' firſt queſtion is: "On the trial of an "information or indictment for a libel, is the criminality or "innocence of the paper ſet forth in ſuch information or in-

" dictment as the libel, matter of fact, or matter of law, where
" no evidence is given for the defendant?"

" Preliminary to all which we have to offer to your Lordſhips, we ſtate, as a fundamental principle, that the general criminal law of England is the law of libel; and that the very few particularities which occur in legal proceedings upon libel, are not peculiar to the proceedings upon libel, but do or may occur in all caſes, where the *Corpus delicti* is ſpecially ſtated upon the record; the caſe of an indictment for publiſhing a forged promiſſory note may be put as a pregnant inſtance.

" The matter of your Lordſhips' firſt queſtion has no particular application to libel.

" We anſwer, That the criminality or innocence of *any act done* (which includes any paper written) is the reſult of the judgement which the law pronounces upon that act, and muſt therefore be in all caſes, and under all circumſtances, matter of law, and not matter of fact; and this, as well where evidence is given, as where it is not given, for the defendant; the effect of evidence given for the defendant, as to this queſtion, being nothing more than to introduce facts or circumſtances into the caſe, which the proſecutor had left out of it, upon which it will ſtill be for the law to pronounce whether the act done be criminal or innocent.

" Your Lordſhips' ſecond queſtion is: " Is the truth or
" falſehood of the written or printed paper material, or to be
" left to the jury, on the trial of an indictment or information
" for a libel; and does it make any difference in this reſpect,
" whether the epithet " falſe" be or be not uſed in the indict-
" ment or information?"

" This queſtion conſiſts of two branches.

" Our anſwer to the firſt branch of this queſtion is, That the truth or falſehood of a written or printed paper is not material, or to be left to a jury upon the trial of an indictment or information for a libel.

" We conſider this doctrine as ſo firmly ſettled, and ſo eſſentially neceſſary to the maintenance of the King's peace, and the good order of ſociety, that it cannot now be drawn into debate.

" If it be aſked, why the word " falſe" is to be found in indictments or informations for libel? we anſwer, that we

find it in the ancient forms of our legal proceedings, and therefore that it is retained; but that it hath in all times been the duty of Judges, when they come to the proof, to separate the substance of the crime from the formality with which it is attended, and too frequently loaded, and to confine the proof to the substance.

"The epithet "false" is not applied to the propositions contained in the paper, but to the aggregate criminal result—libel. We say, *falsus libellus*, as we say *falsus proditur* in high treason.

"In point of substance, the alteration in the description of the offence would hardly be felt, if the epithet were *verus* instead of *falsus*.

"In the action for libel, the plaintiff is not put to prove the matter of the libel to be false, which is decisive to shew that the falsehood is not part of the substance of the complaint; and though the defendant may insist in his defence, and may prove that the matter of the libel is true; it is not done in the way of contradicting what is asserted by the plaintiff, for then it might be done under the general issue: whereas, if the defendant means to insist that the matter of the libel is true, he must plead it by way of justification. As between him and the plaintiff, seeking to recover damages for the private injury, the truth of the matter of the libel is a bar to the action for damages; the crime, and consequently the *falsus libellus*, remaining still in full force against him.

"The second branch of the question is: "Does it make "any difference in this respect, i. e. in respect of the materiality of the truth or falsehood, or its being to be left to "the jury, whether the epithet "false," be or be not used in "the indictment or information?"

"Our answer will be very short. It can make no difference in this respect. We are not called upon to give any opinion, and we desire to be understood not to give any opinion as to the difference in any other respect which the omission of a formal epithet, in an indictment or information, may make.

"Your Lordships' third question is: "Upon the trial of an "indictment for a libel, the publication being clearly proved, "and the innocence of the paper being as clearly manifest, is

"it competent and legal for the Judge to direct or recommend "to the jury to give a verdict for the defendant?"

"We answer, that upon the trial of an indictment for a libel, the publication being clearly proved, and the innocence of the paper being as clearly manifest, it is competent and legal for the Judge to direct or recommend to the jury to give a verdict for the defendant.

"But we add, that no case has occurred, in which it would have been, in sound discretion, fit for a Judge, sitting at *Nisi Prius*, to have given such a direction or recommendation to the jury.

"It is a term in the question, that the innocence shall be clearly manifest. This must be in the opinion of the Judge: But the ablest Judges have been sometimes decidedly of an opinion which has, upon farther investigation, been discovered to be erroneous; and it is to be considered, that the effect of such a direction or recommendation would be, *unnecessarily* to exclude all farther discussion of the matter of law, in the Court from which the record of *Nisi Prius* was sent, in Courts of error, and before your Lordships in the *dernier* resort.

"Very clear indeed, therefore, ought to be the case in which such a direction or recommendation shall be given. In a criminal case which is in any degree doubtful, it must be a very great relief to a Judge and jury, and a great ease to them in the Administration of criminal justice, to have the means of obtaining a better and fuller investigation of the doubt, upon the solution of which, a right verdict or a right judgement, is to depend.

"A special verdict would in many cases be the only means, where the offence is described by some one or two technical terms comprehending the whole offence, the law and the fact combined: such as the words, "feloniously did steal." The combination must be decomposed by a special verdict, separating the facts from the legal qualities ascribed to them, and presenting them in detail to the eye of the Judge, to enable him to declare, whether the legal quality ascribed to them, be well ascribed to them or not.

"There may be a special verdict in all cases where doubts arise on the matter of law, but it is not *necessary* in all cases. In some criminal proceedings (the proceedings in libel, and

the publication of forged papers, for instance) some of the facts are detailed in the indictment, and if the doubt in law should happen to arise out of the fact so detailed, we say it is upon the record. The question might have been discussed upon Demurrer without going to a jury at all; and after verdict it may be discussed on a motion in arrest of judgement. In such cases a special verdict is not necessary: The verdict "Guilty," will have the effect of a special verdict without the expence and delay of it, establishing all the facts, and leaving the question of law open to discussion.

"There are three situations in which a defendant, charged with a libel, may stand before a Judge and jury in a Court of *Nisi Prius*. First, the matter of law may be doubtful; in that case there ought to be a special verdict, or a verdict which shall operate as a special verdict. Secondly, The case may, in the opinion of the Judge, be clear against the defendant. If the verdict is special in form or in effect, he has no reason to complain: his case comes before the Court from which the record is sent, without the prejudice of an authority against him.— The third situation is, That the opinion of the Judge may be clear in favour of the defendant. In that case, whenever it shall happen, we have offered it as our opinion, that it will be competent and legal for the Judge to direct an acquittal.

"Your Lordships' fourth question is: "Is a witness, pro-
"duced before a jury in a trial as above by the plaintiff for the
"purpose of proving the criminal intentions of the writer; or
"by the defendant, to rebut the imputation, admissible to be
"heard as a competent witness in such trial before the
"jury?"

"This question is put so generally that we find it impossible to give a direct answer to it.

"The criminal intention charged upon the defendant in legal proceedings on libel is generally matter of form, requiring no proof on the part of the prosecutor, and admitting of no proof on the part of the defendant to rebut it.

"The crime consists in publishing a libel; a criminal intention in the writer is no part of the definition of the crime of libel at the common law. "He who *scattereth firebrands*, "*arrows*, and *death*," (which if not an accurate definition, is a very intelligible description of a libel,) is *eâ ratione* cri-

minal; it is not incumbent on the profecutor to prove his intent and on his part he fhall not be heard to fay "*Am I not in* "*fport?*" But in as much as a criminal intention *may* conduce to the proof of the publication of all libels; and in as much as the criminal intention is of the fubftance of the crime of libel in fome cafes by ftatute; cafes may be put where a witnefs is competent and admiffible to prove the criminal intention on the part of the profecutor; and it may be ftated as a general rule, that in all cafes where a witnefs is competent and admiffible to prove the criminal intention, a witnefs will alfo be competent and admiffible to rebut the imputation.

"Your Lordfhips' fifth queftion is: "Whether upon the "trial of an indictment for fending a threatening letter, the "meaning of the letter fet forth in the indictment be matter "of law or of fact?"

"We find ourfelves embarraffed by the terms in which this queftion is propofed to us.

"We find no difficulty in anfwering, that the expofition of the words of the letter, fet forth in an indictment for fending a threatening letter, would belong to the Court, either on a demurrer, or in an arreft of judgement; and we have no Difficulty in going a ftep farther, and faying, that if a jury upon the trial of fuch an indictment were to find the letter according to its tenor, it would be for the Court to expound the letter.

"And whether the letter (the fenfe of it being thus afcertained) be a threatening letter within the meaning of the law, is anfwered by our anfwer to the firft queftion. This we ftate diftinctly to be matter of law, it is the judgement of the law pronouncing whether the paper be criminal or innocent.

"But your Lordfhips afk us, "Whether the fenfe of the letter be matter of law or of fact?"

"We find a difficulty in feparating the fenfe of the letter from the letter; the paper without the fenfe is not a letter.

"Whether there exifts fuch a letter is, doubtlefs, matter of fact; as much as, whether it was fent to the profecutor of the indictment.

"It is alfo matter of fact whether an act of Parliament, public or private, exifts. And the fame may be faid of every other writing, from records of the higheft nature down to any

ſcrap of paper, wherein words are written which can be qualified with crime or civil obligation.

"This goes no way towards aſcertaining what belongs to a jury in an indictment for ſending a threatening letter, to which we apprehend your Lordſhips' queſtion was intended to point.

"The exiſtence of a public act of Parliament, your Lordſhips know, is not ſubmitted to a jury at all; private acts and records may be *ſub modo*; other inſtruments and papers are; but all, without exception, are expounded by the Judges, and the legal effect of them declared by the Judges.

"This does not reſt merely on the authority of Lawyers; in the nature of things it muſt be that the Judges muſt expound or collect the ſenſe of the paper, in order to their declaring the operation of it in law.

"The ſenſe of a threatening letter, or of any other words reduced into writing, is nothing more than the meaning which the words do, according to the common acceptation of words, import, and which every reader will put upon them. Judges are in this reſpect but readers. They muſt read and underſtand, before they can pronounce upon criminality or innocence, which it belongs to them to do. It is a neceſſary and inſeparable incident to their juriſdiction. If they could reſort to a jury to interpret for them in the firſt inſtance, who ſhall interpret the interpretation, which, like the threatening letter, will be but words upon a paper?

"We ſhall not be underſtood to be ſpeaking of that ſenſe of a paper which is to be collected from matter *dehors* the paper, which, in legal proceedings, muſt be ſtated by way of averment; which averment would be to be eſtabliſhed in point of fact, before the Judges could proceed to conſtrue a paper. On a demurrer, or on motion in arreſt of judgement, theſe averments would ſtand confeſſed upon the record. If the general iſſue is pleaded, they are to be found by the jury. Judges have no means of knowing matters of fact *dehors* the paper, but by the confeſſion of the party, or the finding of the jury: But they can collect the intrinſic ſenſe and meaning of a paper, in the ſame manner as other readers do; and they can reſort to grammars and gloſſaries, if they want ſuch aſſiſtance.

"These principles lead to the same conclusion for juries as for Judges, in all points belonging to threatening letters, or to any other series of words reduced into writing which fall within the province of juries. For instance: Upon a general issue on an indictment for sending a threatening letter, a jury is to inquire whether such a paper as the paper charged in the indictment exists. They must read, or hear read, and understand the paper charged and the paper produced to them in evidence, in order to their finding that the paper charged does exist. The jury cannot know that they are the same papers without comparing both the words and the sense: But, when the jury have read, and sufficiently understood the paper charged, and the paper produced, so as to be enabled to pronounce that they are the same papers; when the averments have been examined and found to be true; when the context (if there be a context not set forth) has been seen and understood, and found not to alter the sense of the paper produced, and to put a different sense upon it than that which the paper charged imports; and when the sending of the supposed threatening letter is found as charged, then all inquiry before the jury ends; the rest is matter of legal conclusion.

"Your Lordships' sixth question is: "Whether, on the "trial of an indictment for high treason, the criminality or "innocence of letters or papers set forth as overt acts of trea- "son, or produced as evidence of an overt act of treason, be "matter of law, or of fact?"

"We have said in our answer to the first question, that in all cases, and under all circumstances, the criminality or innocence of an act done is matter of law, and not of fact.

"We find nothing in the two cases now put, which should lead us to narrow the generality of that proposition, or to except either of those cases out of it.

"But that we may not be misunderstood, we add, that this opinion does not go to the length of taking from the jury the application of the evidence to the overt act of which it is evidence. It only tends to fix the legal character of it in the only way in which it can be fixed. And we take this occasion also to observe, that we have offered no opinion to your Lordships which will have the effect of taking matter of law out of a general issue, or out of a general verdict.

" We know that it is often ſo combined with both, as to be inſeparable from them; and we diſclaim the folly of endeavouring to prove, that a jury, who can find a general verdict, cannot take upon themſelves to deal with matter of law ariſing in a general iſſue, and to hazard a verdict made up of the fact, and of the matter of law, according to their conception of the law, againſt all direction by the Judge.

" Our aim has been to trace the boundary line between matter of law and fact, as diſtinctly as we could. We believe that this is all that is neceſſary to be known. We have found jurors in general deſirous of keeping within their province, which is to examine into matter of fact, and cordially diſpoſed to take their directions in matter of law, from thoſe whoſe education and habits enable them to declare the law, and to whom the law and conſtitution of the country have committed that important truſt.

" Your Lordſhips' laſt queſtion is: " Whether, if a Judge, " on a trial on an indictment or information for a libel, ſhall " give his opinion on the law to the jury, and leave that opi- " nion, together with the evidence of the publication, and the " application of the inuendoes to perſons and things, to the " jury, ſuch direction would be according to law?"

" If we do not miſunderſtand this queſtion, it is ſubſtantially anſwered in our anſwer to the third queſtion.

" We mean to anſwer this queſtion in the affirmative; but, that we may be clearly underſtood, we deſire to be permitted in our anſwer to ſubſtitute the words " declare the law," inſtead of " give his opinion of the law;" and the word " de- " claration" inſtead of " Opinion," where the word " Opi- " nion" occurs again in the queſtion: Our anſwer will then ſtand thus:

" If a Judge on a trial on an indictment or information for a libel ſhall declare the law to the jury, and leave that declaration, together with the evidence of the publication, and the application of inuendoes to perſons and things, to the jury, ſuch direction would be according to law."

" If by the words, " leave that opinion to the jury," is meant in any manner to refer to the jury the conſideration of what the law is, in any view of the particular caſe in evidence, we are of opinion, that ſuch a direction would not be accord-

ing to law; conceiving the law to be, that the Judge is to declare to the Jury what the law is; and conceiving that it is the duty of the jury, if they will find a general verdict upon the whole matter in issue, *to compound that verdict of the fact as it appears in evidence before them, and of the law as it is declared to them by the Judge.*

" We prefaced our answers with stating, that the general criminal law of *England* was the law of libel. We conclude what we have to offer to your Lordships with stating, that the line marked out by the law for the conduct of a jury giving a general verdict, has an universal application to general verdicts on general issues, in all cases civil and criminal; for we cannot distinguish between the office and authority of a jury in civil and in criminal cases, whatever difference there may be as to their responsibility. We desire to put your Lordships in mind, that it hath been the modern policy to bring almost all questions upon men's dearest and most valuable rights, to be decided on a general issue; and it will be for your Lordships' consideration, whether the line we have pointed out, which we take to be established in law and in reason, is not a great and essential security to the life, liberty, and property of all the King's subjects, from the highest to the lowest."

Lord CAMDEN rose, and observed that, in his opinion, the answer of the Judges left the main question untouched, which had occasioned, within his experience, many altercations, not only between Judges and juries, but also between the Bar and the Bench. However, as their answer was very abstruse, and contained a great extent of law argument, he thought the House could not possibly proceed to the consideration of it merely upon hearing it read. The learned Judges had taken fourteen days to frame it, and it would be decent for the House to pause a while and reflect before they passed an opinion upon it. He should, therefore, move, that the consideration of it be deferred to Wednesday next.

The Earl of ABINGDON said, that not being in the House on the day when the queries on the Libel bill were proposed and submitted to the Judges, he was prevented from taking that part on the question, which, if present, he certainly should have done; a part which, although it might not have been adopted by the House, he hoped and trusted, for the reasons he

ſhould give, would not have been undeſerving of their Lordſhips' moſt ſerious conſideration and attention.

He ſhould, he ſaid, ſtrenuouſly have objected to any reference being made to the Judges upon the bill, and he would tell their Lordſhips why: not becauſe, being competent to legiſlate for themſelves, they did not want the aid and aſſiſtance of the Judges for their information; for if ever there was a bill that called for and demanded the advice and opinion of the Judges upon the ſubject matter of it, it was this: but his objection would have been grounded upon this reaſon, that although the advice and opinion of the Judges were indiſpenſably neceſſary for the paſſing ſuch a bill into a law, the Houſe was ſo far competent to legiſlate for itſelf, as not to ſuffer ſuch a bill as this, *at ſuch a time as this*, to be entertained by their Lordſhips for a ſingle moment.

This, he ſaid, would have been his opinion; an opinion which might rouſe the imputation againſt him, that he was no friend to that great bulwark of the conſtitution, *the trial by jury*, and that he was an enemy to liberty; but to this charge he would let the whole hiſtory of his political life be at once the anſwer. No; it was becauſe he would ſave that great bulwark of liberty, the trial by jury, from the ruffian hand of licentious innovation, and not ſuffer it to be perverted from its right uſe, to its worſt and meaneſt abuſe; for who is it that reads the bill, that does not ſee its plain and obvious tendency and effect? Who is it that attends to it, that does not perceive it to be a part, and a very material part too, of that *new ſyſtem*, as it is called, of that innovating ſpirit that is gone abroad, ſubverſive of all order, and blind to the wiſdom of experience?—Who does not ſee it as one of the lights of this enlightened age, as one of the torches of our modern philanthropiſts, of our *philoſophes ſans ſavoir* philoſophers without wiſdom, which is meant only to dazzle the eyes, whilſt the link-boys are picking our pockets? For what was the bill? It was to ſay to the ſages of the law, Your knowledge of the law is antiquated and out of date; it is the effect of experience, drawn from times that are paſt; it is the knowledge of our fore-fathers, who were all fools and idiots, nay more, who were all murderers too of the human race, as we are now piouſly told: but you, gentlemen of the jury, your knowledge is not of that worn-out kind,

it is of modern date, it is ſpick and ſpan new; it is not the effect of ſtudy, of obſervation, of reaſoning, of argument, and of reading; no, it deſpiſes all that circuity of information to arrive at its end; it is a pretty little compact ſcience of itſelf, ariſing out of the rights of man, and compriſed in three little words only, *Guilty*, or *Not Guilty*; and this is all the knowledge you want, a knowledge which, in *one* word, *Guilty*, will hang all your enemies; and in *two* words, *Not Guilty*, will acquit all your friends; and who ſhall ſay, Nay? For are you not the judges both of the law and the fact, and who ſhall control your judgement, or diſpute your right?

Placed then in ſuch hands, what a weapon, ſaid his Lordſhip, is this? A weapon by far more dangerous, inaſmuch as it has the ſanction of the law for its uſe, than all the fire-arms that all the Birmingham founderies or founders can forge or furniſh to their Mancheſter neighbours, for the patriotic purpoſes of their Jacobine aſſociations. That theſe were his ideas upon the ſubject matter of the bill, and would have been his reaſons for giving *in limine* his determined oppoſition to it.

But ſpeaking upon the ſubject of libels, his Lordſhip ſaid, was this a time to looſen the legal ties and reſtraints, with which, by the wiſdom of the law, theſe crimes and miſdemeanors were enchained, and to give greater facility to their uſe and exerciſe, if greater facility could indeed be given, than is already ſuffered to be practiſed? For, not to mention the libellous pamphlets that have of late been publiſhed, who is it that can ſee the libellous prints that are daily exhibited in every print-ſhop of this city, and not ſhudder at the atrocity of their authors? Prints made to degrade every thing to which degree belongs, to draw down contempt where reverence and reſpect are deſervedly due, to put decency out of countenance, and to level all things with that duſt and dirt, out of which theſe monſtrous deſigns were formed. This might be called liberty, he ſaid, but it was that liberty which ought not to exiſt in any civilized ſtate. Inſtead, therefore, of giving a check to the law concerning libels, as it now ſtood, its obſervance ſhould be more rigidly enforced; and in doing this, he had no fears or apprehenſions for the loſs of Engliſh liberty; for his maxim was, that in the Engliſh conſtitution, conſtituted as it was, there was liberty enough; and that, Cromwell like, he that

ſeeks for *more*, means to have *leſs*. Let him, therefore, in the faſhionable cant of the times, leave with the right reverend bench of Biſhops, that little canticle of the once-thought wiſe man Solomon, who ſaid, "Remove not the ancient land-marks "which thy fathers have ſet," and with the reſt of your Lordſhips, as the bar to this madneſs of innovation that is now let looſe upon us, that noble and virtuous, but now more than ever neceſſary exclamation, of our anceſtors, *Nolumus leges Angliæ mutari!*

Lord LAUDERDALE entirely agreed with the noble Lord high in His Majeſty's Councils, as to the propriety of poſtponing the conſideration for ſome days. The anſwer of the Judges launched very much into long and detailed reaſonings; he could have wiſhed rather for a plain direct affirmative or negative, than to have heard caſes ſuppoſed, and queſtions divided, which ſeemed to lead to no concluſion. The day propoſed by the noble Lord he thought too early, and could wiſh to have it fixed for Friday, ſince he underſtood the anſwer could not be printed and delivered to their Lordſhips before Monday.

After ſome converſation between Lord Camden, the Lord Chancellor, and Lord Lauderdale, it was agreed to appoint Wedneſday, and if any noble Lord then wiſhed it, to defer the buſineſs to Friday.

The Houſe adjourned.

Monday, 14th May.

Lord GRENVILLE moved the order of the day for the Houſe to go into a Committee, upon the bill for appropriating a certain ſum annually for paying off the national debt.

The Earl of LAUDERDALE oppoſed the bill, on account of certain clauſes in it. He approved of the object, but diſliked the principle and wording of it.

Lord GRENVILLE replied; after which the Houſe went into a Committee, Lord Cathcart in the chair, when the bill was read clauſe by clauſe. The clauſe enacting, that no future loan ſhall be made without being provided for at the time, being read, a converſation enſued between the Lord Chancellor, Lords Rawdon, Stormont and Lauderdale on one ſide, and Lord Grenville on the other.

The LORD CHANCELLOR approved of the object of the bill, as well as the system of paying off the national debt, with which it was connected, but he had strong objections to that clause; it could tend to no one definite, or good purpose, and at the same time exhibited a degree of presumption and arrogance, in dictating to future Parliaments, which, he trusted, their Lordships never would countenance. He ridiculed the idea of legislating to Parliaments, or dictating to Ministers twenty or thirty years hence, who certainly might be as wise, and as able to act, as circumstances required, as they were.—In short, the scheme proposed by that clause was nugatory and impracticable—the inaptness of the project was equal to the vanity of the attempt. The act, if passed in its present form, would only hand down to posterity aphorisms, that however proper now, would, in times of urgency, be completely inapplicable. He said it was impossible to bind down future Parliaments, and it was idle to suppose that future Ministers would take directions from this act, how they were to make a loan. At present the country was in a state of prosperity and tranquillity, but it might happen to be otherwise, and he should consider any Minister, who could not judge at the time when a loan was necessary, what was the proper mode of doing it, as unfit for his situation; and none but a novice, a sycophant, a mere reptile, as a Minister, would allow this act to prevent him from doing what the exigency of circumstances might require at the time, according to his own judgement. He argued, that it was impossible in a loan bill, to make a provision for the payment of it at any given time; because it was impossible to say, that the same circumstance that made it necessary to obtain a loan, might not exist at the time specified for paying it. The Lord Chancellor treated this clause with great severity and force of argument, and was followed by Lords Rawdon and Stormont on the same side; Lord Grenville made a short reply, and the Committee divided.

For the Clause	—	28
Against it	— —	22
	Majority	6

The other clauses were then gone through, and the bill ordered to be reported to-morrow.

Counfel for the petitioners againft the abolition were then called in, and Mr. Law fpoke at confiderable length. The fubftance of his argument was, that the Weft India iflands could not be cultivated without the labour of negroes from Africa; and that there was nothing in the flave trade fo contrary to humanity, as to induce their Lordfhips to hazard the confequences which muft neceffarily refult from the abolition.

Lord Macartney was called as the firft witnefs, and being fworn at the bar, faid, that as he had the honour to be a Peer of Ireland, he wifhed to know whether or not there was any diftinction between the mode of receiving the evidence of a perfon fo fituated, and of examining an ordinary witnefs.

The LORD CHANCELOR faid he did not recollect any.

Lord MACARTNEY faid, he was informed that Lord Tyrone, in the reign of James II. had delivered his evidence at their Lordfhip's table, inftead of the bar.

This being a point on which it was neceffary to confult precedents, it was propofed by Lord Grenville to call another witnefs; by other noble Lords, on account of the latenefs of the hour, to adjourn.

A converfation enfued, in which Lord Grenville, the Duke of Montrofe, and Earl Fitzwilliam preffed the neceffity of proceeding on the fubject from day to day with all poffible difpatch; and Lords Stormont, Hawke, and Abingdon, contended that their Lordfhips could not fupport the fatigue of attending to bufinefs of fuch importance on the days of Mr. Haftings's trial, or other matters that took up much time.

It was at length agreed to proceed with evidence on Monday next, at twelve o'clock precifely, on Thurfday and Friday at the fame hour, and on the fame days in every week till finifhed.

The Houfe adjourned.

Tuefday, 15th May.

Yefterday the amendments made to the national debt bill were read, reported, and agreed to.

The Houfe adjourned.

Wednefday, 16th May.

After returning from the trial the Lords proceeded on the private bills before them, and adjourned without any debate.

Friday, 18th May.

On reading of the order of the day on the libel bill,

Lord CAMDEN rofe to fupport an opinion which he was known to poffefs, and which he never, fince he had formed it, had occafion to alter. Queftions, he faid, had been put to the Judges; but they had contented themfelves with anfwering them dryly, and avoiding the grand queftion, "Who fhould "try a libel." On this point he was as firmly convinced as he ever was of any thing. It was to the jury, and to the jury only, that a queftion of libel fhould be fubmitted; and as this had been doubted, it was proper the point fhould be fet at reft. He wifhed the Houfe to reflect on the confequence of leaving it a point unfettled. Hereafter, in cafes of libel, the counfel for the defendant would urge to juries, that this bill was the general fenfe of the people of England, expreffed in the Houfe of Commons, almoft *nemine contradicente*—and who was the Judge who would dare to ftop a barrifter making fuch an obfervation? On the other hand, the counfel for the profecution might infift on the opinion of the Houfe of Peers againft the principle of the bill. This would introduce endlefs altercations between the jury and the bench, and would be a great impediment to the diftribution of public juftice, and might affect the tranquillity of the people.

He expofed the fallacy of the pretended diftinction between law and fact, in the queftion of guilty, or not guilty, of printing or publifhing a libel: they were united as much as intent and action, in the confideration of all other criminal proceedings. Without an implied malice, a man could not be found guilty even of murder. The fimply killing of a man was nothing, until it was proved that the act arofe from malice. A man might kill another in his own defence, or, under various circumftances, which rendered the killing no murder. How were thefe things to be explained? By the circumftances of

the case. What was the ruling principle? The intention of the party. Who were Judges of the intention of the party? the Judge? No; the Jury.' So that the jury were allowed to judge of intention upon an indictment for murder, and not to judge of the intention of the party upon libel. This was so much out of all principle of justice and common sense, that it could not be supported for a moment. Our ancestors, indeed, had remained silent upon the point, whether the intent of the party, and tendency of a publication alledged to be a libel, was matter of law, or matter of fact. The reason was obvious; it was neither the one nor the other simply, but a compound of both, and which in their very nature could only be decided by a jury.

There could be no libel without a mischievous intention and tendency; the jury, if deprived of judging of that intention and tendency, might as well be deprived of the power of judging of the fact of the publication; for the intention and tendency made part of the subject in contest between the parties. On the part of the prosecution it was alledged, that the defendant did wilfully, maliciously publish, &c. The defendant denied this charge by his plea, "I am not guilty of the offence laid "to my charge." What were the jury sworn to do? "Well "and truly to try the issue joined." The question was, who should have the power of saying guilty or not guilty, on a libel? The jury, beyond all dispute. There could not be two opinions upon it stated in this view.

But a distinction had been taken, and it was said, *Ad quæstionem legis non respondent juratores, et ad quæstionem facti non respondent judices*. This maxim was a very true, as well as a very plain one. But it was misapplied. It was not applicable at all to the case of a libel. It referred solely to the case where the law and the fact might be separated, and had no natural connection whatever. It applied to cases where the fact was admitted by the defendant as stated by the plaintiff, but not where the defendant denied the point of law rising out of that fact as stated by the plaintiff. And this was argued by way of demurrer. But this was a case where there was no law separate from the fact—or rather, there was no law at all. The publication was a fact—the intention was so connected with fact, that it could only be proved by fact. The tendency was so con-

nected with fact, that inference could be drawn only from circumstances arising out of fact.

There was not, nor could there be, any thing in the nature of a libel, that the most ignorant man in England, not being an idiot, could not judge of, as well as the most profound Lawyer. A German, or any other foreigner, who knew nothing of our constitution, might judge of it. There never was, nor could there be, a difficulty in it. Nothing more was to be judged of, than appeared on the face of it; the natural tendency of the thing. Why should a man be a Lawyer, in order to understand English? The truth, indeed, was, that by these distinctions, or affected distinctions, between law and fact, where there was no law, and the whole was fact, had frequently been the cause of juries of a pliant disposition to trifle with the oath they took. They had said, guilty of printing and publishing only. Could any man, in his senses, say that such a jury meant, by such a verdict, that the defendant was criminal, and that he therefore ought to be punished? and yet, had it not afterwards been ordered by the court, that the verdict should be altered, and that the defendant should be deemed guilty? This pretence for a distinction was not known to the ancient law of England; it was of modern date, he believed not above thirty years standing.

He wished to know, what would have been the case, if the doctrine, that intention and tendency of a libel were matter of law for the consideration of judges, and not for juries, had been established in the time of James the Second?

Here his Lordship entered into a very able, very clear, forcible, and accurate historical detail of cases, determined both in good and bad times, from the time of Bracton, five hundred years ago, down to the time when he himself was at the bar, and proved, that the general bent of all the charges which had been given to the jury was, that they were to judge of the intention and tendency of the alledged libel; that they were soley to determine the whole case. Even Judge Jeffries himself had done so, and he could not be said to entertain any sentiments against the power of the crown contrary to law. So clear was the point in his mind, that the juries were the whole and sole controulers of all the case of libel—that if all the bench of the courts of law—all the bar, and the unanimous voice of Parlia-

ment, ſhould declare it to be otherwiſe, he ſhould not change his opinion. He wiſhed the Houſe to ſay, with whom ſhould judgement on the effect of libel reſt? Or rather, who ſhould have the care of the liberty of the preſs—the Judges, or the people of England? The jury were the people of England.—The Judges were independent men—Be it ſo. But were they totally beyond the poſſibility of corruption from the Crown? Was it impoſſible to ſhew them favour in any way whatever? The truth was, they poſſibly might be corrupted—juries never could. What would be the effect of giving Judges the whole control of the preſs? It would ſoon be ſhut up. When ſo ſhackled, nothing would appear that was diſagreeable to Government.

As well might an act of Parliament be paſſed that nothing ſhould be printed or publiſhed but panegyrics on Miniſters and Government; with ſuch principles we ſhould ſoon loſe all thoughts of freedom. So clear was he, that even if it were not law, it ſhould be made law, that the juries ſhould judge of the whole caſe of a libel; that he proteſted he thought that in all the catalogue of crimes, there was not one that was ſo fit to be determined by a jury, and not by a Judge, as a libel. He added many other excellent, conſtitutional, and wiſe obſervations on this ſubject, and in favour of the bill now before their Lordſhips.

Earl STANHOPE ſaid, that having, on a former day, pledged himſelf to anſwer the learned Lord on the woolſack, and the Chief Juſtice of the King's Bench, their Lordſhips might naturally expect that he would keep his word; he roſe, therefore, to redeem that pledge, and to fulfil his promiſe, and he would meet the noble and learned Lords on the ground of law, as well as on that of reaſon, common ſenſe, and the conſtitution. From the able and ſound arguments, ſtated in the ſpeech of the noble and learned Earl who had juſt ſat down, his Lordſhip ſaid, he need not go into the length he otherwiſe was prepared to do. Conſidering the preſent as an adjourned debate, he ſhould anſwer the arguments of the noble and learned Lords, ſtated in the laſt diſcuſſion of the ſubject. The noble and learned Lord who preſided over the Court of King's Bench had ſaid, among other very extraordinary expreſſions, that "he "found, from the bill, that libellers had their friends."—

[Lord Kenyon rose, and denied that he had faid any thing like it.]——That noble and learned Lord, Earl Stanhope faid, had been the Judge in the cafe of Stockdale, and it was the illegal direction to the jury given by the Judge, that had been the occafion of the prefent bill. He commented on that direction, and faid, in any cafe, whether of murder, burglary, libel, or any thing elfe, the jury were to find not only the crime of murder, but whether the prifoner had been guilty of manflaughter, or, in fact, whether he was guilty at all. If the prifoner, when he was arraigned, pleaded Not Guilty, he was then afked, "How will you be tried?" which was in former times a very fignificant queftion, becaufe there were then two modes of trial, trial by battle, and trial by law. The trial by battle had been long fince abolifhed, and a prifoner now generally anfwered, "By God, and his country." He then had a right to challenge the jury, who are told by the Court, that they are the country. He went through all the forms of a trial by indictment for treafon or for libel, and pointed out the rights and privileges which the humane fpirit of the law of England gives a prifoner of rejecting any juryman whofe countenance difpleafed him, even if he had no ftronger reafon. In fupport of thefe facts, his Lordfhip quoted Blackftone, and other authorities. Formerly, he faid, Judges could be challenged, but now they could not, which was, in his opinion, to be lamented. In elucidation of his argument, he put an hypothetical cafe, by fuppofing that Sir Elijah Impey, who had been a Judge in India, were made a Judge in England, would it, he afked, be contended, that after having had a motion made againft him in the Houfe of Commons for an impeachment for murder, Sir Elijah Impey would be a fit Judge to try the gentlemen who had brought forward that motion? Or would it be faid, that if the four Judges of the King's Bench were to be impeached for high crimes and mifdemeanors, and were to be acquitted, that they would be fit Judges to try the perfons who fo impeached them, if they were to happen to be put in a ftate of trial for any criminal offence? His Lordfhip having put the cafe ftrongly, faid, he would ftate to the Houfe an authority, which the noble Lord upon the woolfack could not controvert, viz. the authority of himfelf, and fure he was, it was an authority that he could not controvert, becaufe he could fay to

him, "Out of thy own mouth will I condemn thee." His Lordſhip then read ſeveral extracts from the trial of Mr. Horne for a libel, conveyed in an advertiſement circulated in the public prints, which propoſed a ſubſcription for the wives and children of our fellow-ſubjects, the Americans, who had been barbarouſly *murdered by the King's troops* at Lexington. His Lordſhip commented much at length on this trial, ſtated the direction of Lord Mansfield, and ſaid, he would oppoſe the authority of Mr. Attorney General Thurlow againſt the authority of the learned Lord on the woolſack, and if the noble and learned Lord would not give him his vote, at leaſt he hoped he would pair off with Mr. Attorney General Thurlow. He next quoted the caſe of libel, in which a young lady of Notingham, who had been expelled the Society of Quakers, and who either filed an information, or brought an action for damages, againſt the clerk of the meeting, for ſtating in his entry in the Society's books, grounds for her expulſion, which were libellous. His Lordſhip explained what theſe grounds were, and after ſtating that one was, that the young lady did not exerciſe that rigour or ſelf-denial, that ſhe ought to have done, (which was rather a ſevere ſarcaſm on a young lady) mentioned the particulars of the trial, when the Judge (Lord Mansfield) had ſaid, "ſuch a queſtion had better be tried by the Court above." He concluded this head of his ſpeech with ſaying, that he hoped Lord Mansfield in his capacity of a Judge, and Lord Mansfield in his capacity of an Earl in the Houſe of Peers, would pair off with each other, and thus he ſhould have diſpoſed of two noble and learned Lords. He next referred to the manner in which the Lord Chancellor had quoted Sir Matthew Hale, and charged him with having miſrepreſented that learned Judge, who in his firſt inſtitutes of common law, page 260, ſpeaking of the office and duty of a Judge, in regard to his direction to the jury, ſays, "the Judge is to aſſiſt the jury, not by points "of law, but in points of law." And a ſtill ſtronger paſſage was to be found in Blackſtone, Vol. 4, p. 361. His Lordſhip quoted Leonard's Reports, and an infinite variety of other authorities, to prove "That juries might go according to "their conſciences in the law, and according to their own "knowledge in the fact." He ſaid, he would next ſtate an authority, which was now, what the late Mr. Dunning had

been in his day, the first man in his profession, and the chief ornament of the bar. He said, he meant Mr. Bearcroft, the Chief Justice of Chester. What he alluded to was, the conduct which Mr. Bearcroft, to his immortal honour, had pursued in the case of the Dean of St. Asaph, when he had acknowledged the right of the jury, to take both the law and the fact in their own hands. On that occasion Lord Mansfield had contradicted Mr. Bearcroft, when he made the admission; and had said, "you mean the Power, not the right." Mr. Bearcroft instantly replied, "I do not mean the power, for that no man "ever disputed; but I mean, the right, which the constitu- "tion gives the jury, whenever they chuse to exercise it."— Mr. Bearcroft, his Lordship said, was not only a great Lawyer, but was better, a friend to the constitution, and an honest man. His Lordship mentioned Bushell's case, and the famous case of John Lilburne, who had addressed himself to the Judges, and said, "the jury were to decide, that they were to judge of the law and the facts also, and that by law, the Judges upon the Bench, who were only Norman intruders, were merely the receivers of the decision of the jury, which they were obliged to put upon the record. The jury, as their Lordships well knew, found Lilburne not guilty. His Lordship quoted Mr. Erskine's argument on the trial of the Dean of St. Asaph, and Lord Chief Justice de Grey's conduct in the case of the King against Woodfall, declaring that they who thought as he (and other Lords) did, had every case of any sort of authority with them. He mentioned the licensing act in the reign of Charles II. by the which it was enacted, that no book on politics or history was to be printed without the authority of the Secretary of State; no treatise on the common law without the licence of the Lord Chancellor; none on heraldry without that of the Earl Marshal; nor no novels, romances, Fairy Tales, nor any work in science, philosophy, mathematics, physic, divinity, or love, without the license of the Archbishop of Canterbury, supposing him, no doubt, the most conversant in all those subjects. After remarking at length on the unconstitutional fetters which the licensing act put upon the liberty of the press, his Lordship took notice of the Lord Chancellor having in his speech on a former day mentioned, that it was necessary that the practice of the law should be uniformly the same

throughout the kingdom, in Cumberland as well as in Cornwall, and that therefore the conſtruction of points of law ought to reſt with the Judges. His Lordſhip ſaid, it was not a little extraordinary, that the noble and learned Lord ſhould have inſtanced two counties, which he meant himſelf to have referred to, as inſtances of his argument on the other ſide of the queſtion. A ſtronger proof of the propriety of leaving the law as well as the fact to a jury, could not be found, than by ſtating, that there was a particular word, he did not preciſely recollect it, in uſe in both the counties of Cumberland and Cornwall, which in one meant a term of the ſevereſt and moſt diſgraceful reproach, and in the other, was received as an expreſſion perfectly harmleſs and innocent. Juries of each country being aware of the local import of the term in their own diſtrict, would give it its due interpretation, and find a verdict accordingly; whereas upon the uniform practice contended for, a defendant might be convicted of a libel, for uſing a term locally harmleſs. He put the caſe that an action for a libel was brought for uſing a modern word, not to be found in any grammar or gloſſary, viz. for ſaying that a man was "a great "bore;" a jury would laugh at ſuch a ground of proſecution, but the Judges would turn to their grammars and gloſſaries, and not being able to meet with it, would ſay they could not find ſuch a phraſe as "a great bore, but they had found a wild "boar, which no doubt it meant; and yet it could not be, as "a wild boar had four legs, and man was a two-legged ani-"mal; then it muſt mean, that the plaintiff was like a wild "boar in diſpoſition, which was a wicked libel, and there-"fore let the defendant be hanged!" He mentioned the diſpenſing Judges in James the Second's time, who had adviſed the King that it was legal for him to raiſe money from the ſubject without the conſent of Parliament, that in time of peace he might have a ſtanding army, and even that he ſhould have the power to give grants of the property of private perſons before they had been convicted; all which might be ſeen in the bill of rights. In Mr. Erſkine's report of the Dean of St. Aſaph, it was ſaid by Lord Mansfield that he ought to take another trial, but that he muſt ſtand committed till he found bail, which of courſe he did immediately. If it had been the caſe of a poor man, could he have afforded the expence? and

ſurely their Lordſhips did not mean to lay down a rule by which a rich man might be at large and a poor man confined? He had heard an opinion ſtated by the late Lord Aſhburton, who ſaid, that he often obſerved the jury were carried away by an improper impulſe from ſomething peculiar that fell from a witneſs, or ſomething that dropped from the Judge, but that there were always, one or two men of ſenſe and diſcernment on the jury, who made the others ſearch the buſineſs to the bottom, and brought out a juſt verdict. He mentioned Blackſtone's declaration, that there was no more liberty in this country, than there was formerly in France, or at preſent in Turkey, and the great difference between a trial by jury and a ſuit in Chancery. The one, his Lordſhip ſaid, decided a cauſe in a day; the other, continued not from year to year, like Mr. Haſtings's trial, but from generation to generation. In his own family in the Court of Chancery of Ireland, his Lordſhip ſaid, a ſuit had been pending, which, conſidered as a ſuit in Chancery, was tolerably ſoon ended, viz. in forty-two years, and then the parties took it out of Court, and concluded it by a compromiſe, and that was what was emphatically termed Chancery diſpatch. This, he ſaid, reminded him of a celebrated *bon mot* of a noble anceſtor of his; a perſon had bought a horſe, which proved uncommonly reſtive and unruly, overleaping every fence and mound within which he was placed.—The gentleman, who owned the animal, mentioned the circumſtance to the late Earl of Cheſterfield, and ſaid, he believed he muſt build a wall round the horſe to keep him in due bounds; when the Earl ſaid, "put him in the Court of "Chancery, and I'll warrant you he'll never get out of it." With regard to the intention with which a criminal fact was committed it often happened that the intention was all the crime. In proof of this, he put the caſe of a man's getting upon a horſe to try him, and riding off with him; when a meſſenger being diſpatched after him, brought him back.—When put upon his trial for ſtealing the horſe, the man ſays, "I did not run away with the horſe, but he ran away with "me." The whole queſtion in ſuch a caſe would be the intention. If a man did an act where the hand was not guided by the heart, where the ſoul, he might ſay, was not acceſſary to the act, there was no criminality. He alſo put the

supposed case of a hand-bill, published in the year 1780, (when the riots had disgraced the metropolis) calling upon the enemies of popery to take up arms, if the party indicted were to plead, that the hand-bill was printed in the year 1745, and was meant to excite the public, to take up arms, to repel the pretender, as the rebels had got to Derby, such a defence would convert a crime into a meritous act? Upon the whole his Lordship maintained that the publication of a libel was not a question of mere law, but of law and fact blended together, which ought to be decided by the jury.

He gave his opinion of the nature of a demurrer, and quoted Blackstone in support of his argument. He also stated the nature of a special verdict, where the jury found the facts, and left the construction to the Court, and as an instance of the subtle distinctions, which the Judges could make in a plain case, he instanced an opinion of the Lord Chief Baron Eyre, whose microscopic eye, he said, could see what no man else could see; in a question concerning the particular place of a man's death, the Chief Baron had declared, that there was no question of that nature; that the question was not, where the man *died*, but where *he ceased to live!* He ridiculed this refinement of distinction, and said, he had now got to the pinnacle of absurdity, and having reached its climax, there he would leave it. He then went into an eulogium on the constitution, which he declared was an excellent one, inasmuch as it tended to make the people happy, and to secure their liberties; but their Lordships ought ever to remember, that the constitution might be undermined, and that the House of Commons had at one time been destroyed by corruption, and at another, the House of Lords had been voted useless. They at one time had Judges like Jeffries, that abominable monster, that bloody and brutal executioner of the west of England, that murderer of Algernon Sydney, that wretch of whose memory no man could speak without horror and detestation. They had seen the *habeas corpus* taken away by act of Parliament, and the liberty of the press destroyed by the licensing statute. They had known tyrants upon the throne, like Henry the Eighth and Richard the Third, Charles the First, Charles the Second, James the First, and that English Tarquin, James the Second! If they were the most happy and prosperous people on the face of the

globe, it was owing to that impregnable fortress, that strong hold of the constitution, trial by jury! He concluded with returning thanks to the House for having so long heard him with patience and attention.

Lord KENYON said, after the unprovoked attack that had been made upon him by name, he must appear the meanest of all mankind in their Lordships' consideration, if he did not endeavour a little to repel the attack. Every man, his Lordship said, could not command the great abilities and the great eloquence that they had heard exhibited that day, but there was one thing in every man's power, viz. veracity. The noble Lord, instead of instructing himself upon points respecting which he had the means of information, chose rather to attack him upon false facts; he surely therefore had some right to complain. Nor was it on his own account merely, but for those who had been attacked in their absence, and had not the power of defending themselves. It was cruel to attack persons of high and dignified character, when they were entitled to the reverence and esteem of their country. A very worthy Judge, Lord Chief Baron Eyre, had been most unjustly treated, because that learned Judge's words had been grossly misrepresented.—Their Lordships well knew, that there were two different sorts of death, natural and political death. When the Lord Chief Baron, therefore, had said, that a man was *not dead*, but that he *ceased to exist*, he alluded to his political death by attainder. With regard to Stockdale's trial, the noble Earl had mistated the whole of that matter. The jury in that case had brought in a verdict completely satisfactory to his mind, nor had he at the time expressed the smallest displeasure at it; and so far from his direction to the jury, in that cause, having been wrong, Mr. Erskine, the Counsel for the Dean, had told him, as soon as the hearing was over, that it was precisely what he wished it to have been. His Lordship said, the noble Lord had done every thing to ridicule all that was held sacred by every thinking and temperate man. With regard to himself, it never had happened to him, when he sat as a Judge, to have a dispute with a jury on a question of libel. He mentioned a case, in which one juryman had entertained an opinion contrary to his advice and direction, had stood out, and at length prevailed on the other eleven jurymen to come over to his opinion, contrary

to their own judgement, in consequence of which, they had not broken their oaths, but had given an imperfect verdict. A new trial, however, was granted, and the second jury gave a pretty striking proof of the opinion they entertained of the former jury and their verdict, by unanimously and almost immediately finding the defendant guilty. He took notice of Earl Stanhope's having talked of bills of Exchange, bonds, &c. and said, in respect to them the noble Lord was much mistaken; in regard to a demurrer also, the noble Lord was absolutely ignorant, and appeared to have picked up the word, without knowing what it meant. He stated the nature of a demurrer, and the advantages that might be derived from it, and complimented Lord Camden on his mode of arguing his opinion, which he said the noble Earl had done with decency, with dignity, and with eloquence. His Lordship declared no man living admired a trial by jury more than he did, and they that saw it most frequently, would always be those who admired it most. He quoted Lord Hardwicke, to prove that a Judge of such acknowledged wisdom and integrity, was of opinion, that the questions of law arising upon facts adduced in evidence, were not to be determined by a jury. He conjured their Lordships, therefore, not to remove the landmarks of the law, but to let the law remain as it had ever stood, with all its guards and fences about it. A man sitting on the bench suffered many an uneasy moment in going through the business of his situation, and was obliged to consult his conscience, to enable him to do his duty. His Lordship stated the advantages that resulted to the Public, from the law in cases of libel resting with the Judges; if a man published a paper, which was not a libel, but inculcated virtue instead of vice and sedition, and were indicted for a libel before him, he would not direct a jury to find a verdict against such a defendant; and there had occurred cases, where the jury having found the defendant guilty, the Judge had stepped in, and rescued him from the consequences. After stating various cases of this sort, his Lordship recurred to Earl Stanhope's argument, and said, if he were to quote Sir Isaac Newton's Principia, or to go into a dissertation on Euclid's Problems, he should not, perhaps, step so far out of his way, as the noble Earl had done in his quotations, many of which were inapplicable in themselves, or grossly misapplied; and, indeed,

the whole of the noble Earl's ſpeech, inſtead of appearing to be proper for their Lordſhips' hearing, was rather calculated, not to miſlead thoſe below the bar, for they were not to be miſled, but to enflame the loweſt dregs of the people, and put them out of humour with the public adminiſtration of juſtice. His Lordſhip apologized for having taken up ſo much of the time of the Houſe, but ſaid, he thought it neceſſary to ſay what he had done, in order to repel the attack that had been made upon him, the abſent Judges, and even the Court of Chancery in Ireland, which governed itſelf by thoſe principles, which guided and governed the Court of Chancery here, and had given ſuch ſatisfaction to the Public for many years together.

Lord STORMONT began his ſpeech with declaring, that he could not but lament that on a queſtion of ſo much importance, inſtead of treating it with temperance and ſober reaſoning, the noble Earl, with a degree of vehemence and warmth ſcarce pardonable in the utmoſt heat of debate, paſſing all bounds of order, ſhould have attacked abſent men, and arraigned thoſe whoſe conduct entitled them to the reſpect and eſteem of their country. His Lordſhip ſpoke of the adminiſtration of juſtice in this kingdom, in terms of warm praiſe and admiration; he ſaid, he had ſeen what paſſed in this country, and had the advantage of having had better opportunities of obſerving what had paſſed abroad, in reſpect to the adminiſtration of the laws, than many other men, and the reſult was, a conviction that an Engliſhman had every reaſon to feel exultation and joy at the compariſon. He quoted an extract from the code of French laws, which did that country honour, and ſaid, how much he ſhould applaud that code *ſi ſic omnia:* but unfortunately that was not the caſe. The noble Earl, he ſaid, had that day ſpoken like thoſe orators, who to diminiſh the preſent happineſs talk of the miſery of former times, whereas all that miſery, as their Lordſhips well knew, had been done away at the revolution, when the adminiſtration of juſtice in particular, among other benefits, was taken eſpecial care of. The queſtion of difference on the preſent occaſion, he ſaid, was, that the Judges, and thoſe who thought as he did, contended that juries ought not to decide on what they did not underſtand. To decide on facts, integrity of heart, and a plain underſtanding, were ſufficient; not ſo on points of law. There unlet-

tered men like himſelf might be bewildered, and miſled. His Lordſhip quoted Mr. Juſtice Forſter to prove, that he thought upon the ſubject as the preſent Judges did, and he ſaid, he had a paſſage from Lord Hale that corroborated and confirmed the ſame opinion. His Lordſhip alſo quoted a dictum of the Scotch law of the ſame tendency. With regard to demurrers, from what the noble and learned Lord had ſaid on that head, he declared he was almoſt afraid to ſpeak of them, as they were a dangerous ground for an ignorant and unlettered man, as he profeſſed himſelf to be, to walk upon. He believed, however, that a defendant might demur before trial to his indictment, or he might demur afterwards by moving in arreſt of judgement upon ſpecial grounds. It had been ſaid, by the noble Earl who opened the debate, how happy would it have been, if the queſtion had been ſtated in the reign of Charles the Firſt and Second, and the ſame doctrines had obtained. He did not believe that the conduct of the Judges of thoſe days would have been at all more arbitrary than it had been. He denied that libellers would be more eaſily brought to juſtice if the preſent bill paſſed, than if it did not; and he mentioned the caſe of M. le Fordet, a well known libeller in Paris, who had been apprehended and brought before Monſieur d'Argenſon, (the Miniſter of France at the time) who reproached him with his conduct and practices in very ſevere terms. Being aſked what he had to ſay for himſelf? Le Fordet replied, "that he could "not ſtarve, but that he muſt live," *(Il faut que je vive)*, to which Monſieur d' Argenſon, with more than warrantable harſhneſs, replied, "I do not know that that is neceſſary, "Sir." His Lordſhip complained of the obſcure wording of the bill, which he ſaid, was a little extraordinary, conſidering the luminous quarter from which it was ſuppoſed to come.— He ſtated his objections to the preamble, and declared, that he was not able to make ſenſe of it by any conſtruction he could give it. After explaining himſelf on that head ſufficiently, his Lordſhip ſaid, the notice that had been taken of the paper that had been put on their table by a noble and learned relation of his, afforded a pleaſing earneſt of his future fame. He already enjoyed,

"—— That which should accompany old age,
"As honour, love, obedience, troops of friends.

His Lordship here paid his uncle, Lord Mansfield, a most elegant and merited compliment; observing at the same time, that he had always desired the Court might be moved if he had ever misdirected a jury in a libel cause; but that as the Court had never been moved on such a ground, he had a right to insist upon it, that he had not.

The Marquis of LANSDOWNE rose, and was beginning with declaring, that he should hold it to be an act of impiety, were he on that occasion to abandon those principles which he had ever been taught to hold sacred, and at the same time an act of the deepest ingratitude to those from whom he had imbibed them——

When the House was thrown into confusion by Lord Stormont falling into a fainting fit, from which his Lordship soon recovered, but the accident had so much deranged their Lordships' feelings in general, that Lord Grenville thought it prudent to move, that the debate be adjourned to Monday next.

The House adjourned.

Monday, 21st May.

The Marquis of LANSDOWNE began with some very handsome compliments to Earl Camden, who, he said, was the oldest friend he had in the House, and who, greatly to his own honour, had closed a professional life of more than thirty years continuance with an adherence to the same principles with which he originally set out. His noble friend had delivered his sentiments on the subject of the present bill, with a force of truth, a brilliancy and a clearness of eloquence rarely displayed by the most able man living, at any one period of his existence, and seemed now likely to have the good fortune of having his principles engraven on the constitution, engraven on the laws of his country. The bill, he declared, was a bill to which he could not but cordially wish the fullest success, because it proceeded on grounds that, from his earliest acquaintance with the subject, he had been in the uniform habit of regarding as

the only rational grounds that the law ought to ftand upon, in refpect to trial on queftions arifing in cafes of libel.

His Lordfhip faid, when the queftion had been agitated before, it had been agitated with great violence; whereas it had, on the prefent occafion, been difcuffed folemnly, and with fufficient dignity. His noble friend, as he had before ftated, maintained the bill at large, and in almoft every point of view, with unanfwerable arguments, and had fhewn that the doctrine fet up in oppofition to it was a modern doctrine; and the noble Vifcount who had oppofed the bill, had managed his objections to it with [illegible], and conducted what he had to fay againft it [illegible] and impartially, that after what had been already faid on both fides the queftion, it was extremely difficult indeed for him to ftate any thing new upon the fubject, or any thing worthy their Lordfhips' attention.

Where Judges had acted openly and honeftly, they had found juries willing to liften to their obfervations in matters of fact, and cordially ready to receive their direction in matters of law. He ftated the direction of the Chief Baron (Eyre) on the trial of Captain Gordon for murder in a duel; and faid, the Chief Baron had there given his opinion on the law and the fact to the jury, and told them it was their duty to found a verdict on both the one and the other, as to their confcientious opinion fhould appear to be right. Such a direction was perfectly fair, and could afford no ground for cavil.

His Lordfhip obferved on the fixth anfwer of the Judges to the queftions put to them by that Houfe, and faid it was a clear reply, and a reply to which no objection could be raifed; and if he were to look at the conduct of the Judges in that Houfe only, and when called upon to affift their Lordfhips, he fhould be perfectly eafy on the fubject, and fhould think the bill wholly unneceffary; but unfortunately they were to be regarded when moving in another fphere, and it was curious to fee what the language of thefe very Judges was when fitting in their own Courts, acting with more authority, with no eye to obferve, no power to control their decifions. With their Lordfhips, the Judges profeffed all humility, fairnefs, and the moft unqualified inclination to act for the advantage of defendants, and with the utmoft latitude of condefcenfion to juries.

He could not but remind the Houſe, that it had that day been engaged in inveſtigating a great, a grave, and an important ſubject; and he would venture to ſay, that there was not a Captain of a ſlave ſhip that ſhould come to their bar, who would not willingly profeſs all poſſible moderation and meekneſs, and hold himſelf out as the moſt humane and compaſſionate creature upon earth. He truſted no one of the Judges would imagine that he meant to compare them with the Captains of the African ſlave ſhips, or put them on a par with them for a ſingle moment. He had no ſuch intention. He really entertained a very ſincere reſpect for the Judges; he had always done ſo, and he had manifeſted it on every occaſion that fell within his power. He meant merely to ſhew the difference that time and place made with all men, and to convince the Houſe how different the conduct and language of the Judges were when addreſſed to their Lordſhips, and when they ſpoke from their own tribunals; and he would trouble the Houſe only with two inſtances in proof of this part of his argument.

The one was the trial of the Dean of St. Aſaph, on the 15th of November 1784, before Mr. Juſtice Buller, at Shrewſbury; the other, what paſſed on the motion for an arreſt of judgement in the Court of King's Bench on the ſubject of that trial.—Upon the firſt, when the Judge was appealed to by counſel for the defendant, to know whether the publication was a libel or not? Mr. Juſtice Buller had ſaid, "that as a ſingle Judge, "ſitting at *Niſi Prius*, it was not for him to ſtate the law, "the whole matter was on the record; and God forbid, by an "aſſumption of the province of the Court on his part, that "the ſubject ſhould be deprived of his deareſt birth-rights, the "right of appeal for arreſt of judgement, or of appeal on a "writ of error, to a ſtill higher court!" The Marquis, in terms of the moſt pointed irony, ridiculed the declaration that a right of appeal in arreſt of judgement, and of moving for a writ of error, was one of the deareſt birth-rights of Engliſhmen, aſſerting that it was neither more nor leſs than the being turned over from one ſet of Lawyers to another, and from that other to a third. In fact, it was to be turned over from the Judge who tried the cauſe, to himſelf and three others, in a ſecond place; and from them to themſelves again, mixed with

a few more Judges, in a third place! How infinitely preferable, he observed, was a verdict of acquittal in the present instance; and how absurd was it to hold forth this tedious circuitous road of arriving at justice, in the case of an innocent man, as the dearest birth-right of an Englishman!

His Lordship proceeded to his second instance, viz. to the arguments of the Judges on the application in arrest of judgement. He read an extract from Mr. Justice Ashurst's speech on that occasion; that Judge declared, he thought all the points in the case reducible to two. With regard to the juries power to take law into their own hands, as well as matter of fact, he utterly denied it. They had the power, he acknowledged, but not the right; and he illustrated the case, by stating, that if a man held a pistol to another's head, he had the power to take away his life, but would any man say he had a right to do it? Just so the jury were circumstanced, who had the power to give a decision on the question of law, but not the right.

His Lordship commented very freely on their mode of telling a juryman that he was like a highwayman, and said, it was one among a great variety of proofs, how different the opinion of the Judges was, when stated to their Lordships, and when given in their judicial capacity. Having amply discussed the two precedents, the Marquis took notice of the song written by Mr. Pulteney, (the late Lord Bath) on the occasion of the acquittal of Franklin the printer, many years since, which he said had been quoted by a Judge in his Court (Lord Mansfield) in a different sense from that in which it had been written and understood, and relied on as a grave argument in proof of the generally-received opinion of the doctrine of libels. His Lordship said, he must have a pretty tolerable degree of confidence in his auditors, and well knew the temper of those around him, before he could have ventured to do so extraordinary a thing; but the noble Viscount near him (Lord Stormont) had again quoted it the other evening for the same purpose, and had declared that he had taken pains to quote it from the original edition.

In the present rage for splendid editions of every man's works, he imagined, his Lordship said, that they should see one advertised of Lord Bath's works, when possibly the commentator would be puzzled which to commend most, the wit and hu-

mour with which the ſong had originally been written, or the wit and humour with which it had been related by the noble Viſcount; and he declared he ſhould be glad to ſee what prints Mr. Alderman Boydell would give to this new publication.

They who called themſelves the friends of liberty, while they found themſelves buſily employed in forging chains, as they imagined, for prerogative, were ingeniouſly forging chains for themſelves. Thus the act which declared the Judges independent apparently of the Crown, in fact would be found to render them independent of the people, and ſolely dependent on the King and the ſervants of the Crown. In elucidation of this, he ſtated, that Judges were but men, and conſequently ſubject to mortal paſſions as other men were. All men were governed by the paſſions of fear and hope; take away the former, and then only hope would remain; and how could that hope be gratified, but by the favour of the Crown?

Before the revolution, Judges ſtood on one ground, but ſince the revolution, on a different one. Before the revolution, Judges took no part in politics, or the debates of that Houſe; now, they were of great weight in every diſcuſſion, and occupied ſo much of the time of the Houſe in every argument, that the Lords could ſcarcely get an opportunity of ſpeaking. For what they knew, they might have a Chief Juſtice at the head of a party in that Houſe, going down reeking with party rage to his Court, to preſide on a trial for a libel publiſhed againſt himſelf, written by ſome political adverſary. Could ſuch a man avoid being partial and free from bias? It was not in human nature. But he did not grudge the higheſt honours of that Houſe to men who had riſen from low ſtations by the continued exerciſe of legal abilities. It was right that thoſe ſituations ſhould be open to them, and he was glad to ſee them among their Lordſhips.

Before the revolution, there had been a pretender to the throne, and a different family laying claim to it, and all that time the King was the greateſt republican in his kingdom. That family had died away and become extinct, and we could only expect to ſee the characters of Kings come out, when they had no rival to dread. As far therefore as depended on Judges, all the miſchiefs that had ſprung from corruptneſs of the Judges might occur again; we had ſeen a Jefferies, and we

might fee another, unlefs the wife precaution neceffary to guard againft their occurring, was taken in time by the Legiflature.

He defired to know what the cafe was on a general iffue, where juries could be ftated as incompetent to give a general verdict compofed of the law and fact blended together, as muft inevitably be the cafe in all general verdicts. He called upon the Judges, not to ftate him a precedent of fuch a cafe, becaufe he was pretty fure no fuch precedent was to be found; but let them frame fuch a cafe, and fee whether it would bear an argument. He declared, for his own part, he could not frame any cafe to his mind, in which juries did not appear as fully competent to decide confcientioufly upon the law and the fact blended, as the twelve Judges, and much more than any four of them. He did not blame Lawyers for making a ftand againft the prefent bill: it was well worth a ftruggle on the part of the profeffion. It was a proud, ambitious profeffion, defirous of obtaining power over all; and if the noble Lord at the head of the King's Bench could overthrow it, as his Lordfhip had ftudied politics as well as law, he would be Lord Paramount of England. The proudeft of their Lordfhips muft bend fubmiffive to his nod.

Before they decided againft the bill, however, which he flattered himfelf would not be the cafe, let them look at what had happened in Rome, as ftated in the luminous pages of the ableft hiftorian that ever graced his country *, and they would fee that the very fame conduct purfued by thofe who meant to abufe power, when they could completely grafp it, was what the Judges had at all times purfued. At one time, they appeared to be eager to obtain it; then they let it go; then they affected to be alarmed for fear thofe to be tried fhould be injured; and had acted as the noble and learned Lord at the head of the King's Bench had done when he ftated himfelf to be, in the former debate, fo tender to the fubject, that he only wifhed for the power, in order to protect the fubject in cafes of trial for libel, from being haftily delivered over to judgement by the ignorance of juries. Thus they were one day all tyranny, the next all humility; but their defign all along concealed the fame

* Gibbon.

ſting, the ſame arrow lurking at bottom; and no doubt when firmly eſtabliſhed, the ſame would happen as at Rome, for they all knew that Rome never ſaw a day's liberty afterwards, and what was worſe, not a ſingle family knew an hour's peace.

What might not happen, he aſked, if the Legiſlature did not prevent it? If God Almighty, in his mercy, were to ſend among us another Locke, or another Monteſquieu, he doubted not but they would be deemed libellers. Let noble Lords conſider what had happened. He remembered, when in office, having found in the Secretary of State's office, a note that a paper was to be proſecuted for having ſaid that the King had got a cold. And though were ſuch a proſecution inſtituted now, a jury, he was well aware, would laugh at it; yet it was not altogether ſo unreaſonable at the time, for the Pretender was in the country, and in force; it was highly neceſſary to take care that not even the ſlighteſt diſreſpect ſhould be ſhewn to His Majeſty. But the law itſelf was daily fluctuating, and the Judges were changing their opinions, and he did not blame them for it. The law and its practitioners muſt bend to the temper of the times. As a proof of it, he ſaid, he would ſtate a caſe, and he was not afraid of going out of his depth in citing it; it was a caſe concerning covenants, and how far the violation of covenants did or did not operate in the voidance of leaſes.

[Lord Kenyon happened to whiſper Lord Loughborough in this part of Lord Lanſdowne's ſpeech, at which the latter took a momentary offence, and deſired not to be interrupted, but to be anſwered afterwards.]

The noble and learned Lord, the Marquis ſaid, was ſo captious, that he thought he was attacking him, whereas he was attacking no one. Judges muſt follow opinion; he had ſaid ſo, and he thought ſo ſeriouſly. His Lordſhip then went into ſome general obſervations on the bill, which he commended highly for its principle, but took notice of the noble Viſcount's having complained that it was obſcurely worded. If that were the fact, let it go to a Committee, and in God's name make it clear. But he hoped the bill was to be a ſingle meaſure. If there was any intention of paſſing a code of libel laws, he deſired that ſuch a code might ſtand by itſelf, and not involve the preſent bill. He declared he was perſuaded that juſtice on trials

of libel would be more substantially done, if the law and the fact, in cases where a general verdict was to be given, were left to juries. Let their Lordships look back to the Roman history, and they would see, that when the people of Rome had the power to choose Plebeian Magistrates, they almost always chose patricians.

His Lordship said, in a large manufactory belonging to a near relation of his, that relation had introduced the trial by jury among his workmen; and he had assured him that the only ill effect was, that the juries were rather too severe in their decisions. A Captain of a man of war, likewise, a most respectable character, though he had not the honour to be acquainted with him, had done the same on board his ship, and there the effect was stated to be the same. The juries were rather too severe. It was clear, therefore, no danger was to be dreaded from it; on the contrary, he was persuaded conviction would be more secure, where the intention, which must, as the noble Earl who opened the debate had stated, be proved, and go along with the facts to the jury, was established; and the Judge would have fifty times the thanks where he said to a jury, "There, "gentlemen, it rests on your hands to do justice to your "country."

He regarded the present times, not as times of the alarm that they were generally deemed; and declared he had been surprised at hearing so much said of a little paltry book, a pamphlet by Mr. Paine, which he had read just with as much feeling as he had read some miserable abuse of the same nature, and from the same pen, upon himself at the time of the negociation with the Americans, which, if he had been at all irritable, and had not treated it with the most sovereign contempt, might have had some ill effect on the negociations, and broke off the treaty, and kept the peace at a distance. If the late pamphlet of Mr. Paine had been treated with the same neglect and indifference, he was satisfied that it would have sunk into utter contempt by this time. He found Mr. Paine had lately republished his attack upon him, imagining, he supposed, that every thing from his pen must be of importance, however replete with misrepresentation and scurrility. But, if Mr. Paine and his works were treated with proper contempt by reasonable men, they would die neglected and despised; and it would not

be in the power of Mr. Paine, and thoſe who promoted his publications by their anſwers, in which one main object was to tell the reader what great men they were themſelves, to do any harm. The country had too much good ſenſe to be troubled by ſuch traſh.

There were three diſtinct claſſes of people in this country. One, and that a very ſmall one indeed, who wiſhed to attack the conſtitution itſelf, and introduce anarchy and confuſion; another, made up of thoſe time-ſerving beings, who followed every adminiſtration, and were for patching up every defect by corruption, and plaſtering it over with venality; and a third, of which he profeſſed himſelf to be one, conſiſting of moderate men, who were ready to adopt meaſures of temperate reform, in order gradually and gently to correct whatever was defective. This latter claſs he hoped was by far the moſt numerous of the three; and if men of the moderate claſs were attended to, he was convinced this country would be quiet, moſt eſpecially if matters were left to juries.

On ſeveral late occaſions, the country had ſhewn, even to a degree of prejudice that was aſtoniſhing, their loyalty to the King, and their affection to the Houſe of Lords. Within the laſt ten years it was impoſſible for any people to have ſhewn more loyalty to the reigning monarch, who owed them every thing for their love and eſteem of his perſon and family; and ſuch was their reverence for that Houſe, that the firſt thing that ſhook the credit of the French revolution in the opinion of this country, was the abolition of titles. He here took occaſion to ſhew the neceſſity of their continuance in this country, and ſpoke of that Houſe as the leaſt exceptionable and pureſt ariſtocracy in exiſtence; ſince their honours, titles, and privileges, could only deſcend to the eldeſt ſon, who alone had a right of ſitting and voting in that Houſe; a degree of democracy was neceſſarily infuſed in every noble family throughout the kingdom, and the general intereſt united and ſtrengthened.

He concluded with recommending it to the Houſe, to preſerve by all means the preſent good diſpoſitions of the people by acknowledging and admitting their moſt invaluable right to the poſſeſſion of all the benefits of a trial by jury, and by an open and unreſerved confidence in ſuch an honeſt people as the people of this country undoubtedly were.

Lord KENYON rose to apologize to the noble Marquis, for having accidentally interrupted him, which he hoped was not any way unpardonable, as he had intended no offence whatever. Not immediately recollecting the cause to which the noble Marquis alluded, when he had said, the Judges had recently changed their opinions, he had merely asked the noble and learned Lord near him if he could recollect it, for he professed not to do so himself.

The Marquis of LANSDOWNE said, he was not a little proud to be able to instruct the noble Lord on a point of law. That the case to which he alluded, was the case of a tenant in Norfolk, who had taken a lease of an estate, on a part of which there was a piece of furze; and he had entered into a special covenant, that if he ploughed up that furze, he was to pay an additional five pounds per acre rent. He did plough it up, and the noble Earl who was then sitting below stairs, considering that the ploughing up the furze had done more good than harm to the estate, had decreed that it ought not to void the lease, although it had been so previously covenanted. It came up into that House by appeal, and Lord Mansfield then sitting there had reversed the decree, which he recollected had made Lord Camden very angry at the moment. He concluded with remarking how miserably the administration of the law was conducted, when so insignificant a person as he was, could give his opinion on a point of law, and instruct the noble and learned Lord.

The Earl of LAUDERDALE began with professing his intention carefully to avoid any thing like an attack on the Judges personally; declaring, that his duty as a member of that House, and a Peer of Parliament, required no such attack, although he had a right, and it was incumbent on him, to discuss the doctrines maintained by the Judges, both in their answers to the questions stated to them by the House, as well as the arguments of the noble and learned Lords who had delivered their sentiments on the bill in the course of the debate.

He declared his conviction that the bill ought to pass, and that he could collect enough from the answers of the Judges to warrant him in declaring, that what they stated was sufficient to shew their Lordships that the bill was absolutely necessary and highly proper. His wish was to establish uniformity in

the criminal law of England; but in treating the subject, he would not say any thing that might hurt a noble relation of the noble Lord near him (Lord Stormont), who belonged to a profession for which he was himself early intended, and of which he could not speak too highly. He did not wish to aim at those landmarks of the law and the constitution, of which the noble and learned Lord, who so worthily presided over the King's Bench, had said so much on a former day.

Having made this declaration, he proceeded to convass the answers of the Judges. In their answer to the third question he found a more alarming doctrine than he had ever heard: what he was to collect from that answer, was, that in the opinion of the Judges, the intention formed no part of the crime. He contended, that the intention was not matter of law, but matter of fact, and fit only for the jury to decide on by their oaths, being sworn to decide on evidence, as the Judge was sworn to decide on law. With regard to that part of the answer of the Judges, in which they talked of scattering firebrands, arrows, and death, and said, no man should say, "Am I not in sport?" every day's experience proved that in cases of murder, where the defendants were idiots, lunatics, or infants, they were allowed to scatter such arrows with impunity, upon its being proved that they had no criminal intention; and therefore as it was the law of England that in cases of murder, and in every other case, intention forms a part of the crime, why should it not in libellous cases? He quoted the trial of the King against Horne, and the King against Topham, where Lord Kenyon had left the intention to the decision of the jury.

He must contend for the destruction of that anomaly of the law, which existed in no other case, namely, the custom on trials of libels of calling on a jury for a verdict from premises, which premises had not been suffered to come before them.— He took notice of what had been said by Lord Stormont, relative to the law of Scotland, and stated the famous case of a person tried for the murder of a Peer, by taking up a stone and throwing it at him, which hit the noble Lord in the neck, and occasioned his death, as a clear proof that a Scotch jury judged both the law and the fact; since after the Judge had in the first instance told the jury, that in law, the libel was relevant, and

the crime imputed to the pannel was murder, the jury acquitted the prisoner, and pronounced a general verdict of not guilty.

He analysed the constituent heads of an information for a libel, which he stated to be four; the two first, the writing and publishing he believed were always considered as matters of fact. The two others, viz. the tendency of the writing charged a libel, and the intention, he said, were deemed matters of law; but he affirmed, that the two latter were as essential for the consideration of the jury, as the two former; and that as the practice at present obtained, any man might be brought into Court and convicted of having published, where the subject matter had no criminality whatever. He declared, he wished the Judge to have the same latitude in cases of other crimes, that he had in cases of libel, but no more; and he observed, that the best possible Government might afford means for its destruction, if not constantly watched and guarded. He believed it, and therefore he was not a little anxious that the liberty of the press should exist free and unfettered. He was, he said, as much a friend to its perfect freedom, as he was hostile to its licentiousness, and abuse.

The liberty of the press was the best guard against corruption, and therefore it was essential to the preservation of the constitution that it should exist. At present, the Judges were men of great wisdom, integrity, and respect, men highly deserving the confidence and esteem of the Public; but the time might come, when they might be of another description, when, if the construction of all matters of law were left to them, the liberties of the people would be in dangerous custody, and might be ultimately destroyed.

He paid Mr. Fox very high compliments as author of the bill, and as a man who, so far from being influenced by any personal motives, never harboured malice in his breast against any individual. His Lordship contended, that those Judges who maintained and acted upon the doctrine that *ad quæstionem juris respondent judices, a quæstionem facti juratores*, as it was contended for, acted unfairly by the subject; while those who acted otherwise, fell into the most wide deviations, and that such inconsistent and contradictory proceedings ought to be corrected.

Lord PORCHESTER faid, his noble friend had fo amply difcuffed the whole fubject, that he fhould have contented himfelf with giving a filent vote, had he not propofed two of the queftions to the Judges, upon which, he was forry to fay, he had got no anfwer whatever. In the anfwers he had been difappointed in finding that the Judges had been unanimous. He owned he had expected fome difference of opinion; and the unanimity of the Judges he regarded as an ill omen, becaufe it proved that the anfwer was qualified and fhaped fo as to meet the different fcruples of the Judges. He proceeded to difcufs the anfwer to the firft of the two queftions that he had propofed, viz. the third. The firft paragraph of the anfwer, his Lordfhip declared, to be perfectly fatisfactory; but the next paragraph, in which the Judges add, "that no "cafe had occurred, in which it would have been, in found "difcretion, fit for a Judge, fitting at *nifi prius*, to have "given fuch a direction or recommendation to a jury," totally undid their declaration in the preceding paragraph, and left his queftion without any anfwer whatever. He then took notice of the anfwer to his other queftion, complaining, that in neither cafe had the Judges given an explicit nor even an intelligible anfwer. The jury, on oath, were to give a verdict according to their conviction; and where was the propriety of directing them, when their own conviction was to decide on the whole cafe? Much had been faid of inferences of law; he fhould not at all wonder if they were applied to every poffible fubject by and by. An arithmetician might be told, "your table of calculation is an inference of law "from figures." A mufician, "your tune is an inference "of law from fimple founds," and fo on to every art and fcience in exiftence.

The conftitution, his Lordfhip contended, had left to a jury the decifion of the queftion of crime or no crime, and it was the right of every Englifhman to be tried by a jury, and acquitted or found guilty by them. No fubtlety of a Judge, therefore, fhould be fuffered to do away that right, and fubftitute in its ftead a trial by the Judge. He thought there was a clear neceffity of proving the intention of the perfon charged with a crime, his guilt or innocence depending

wholly upon it; and believing as he did, that a jury was competent to decide upon the whole of the case, viz. the facts of writing and publishing, and the tendency and intention, he declared he should be of opinion, that if it were not law already, it might be made so, and ought to be so made henceforward. With regard to the temper of the times, he feared it, but he thought they ought on that very account to pass the present bill. He said, he was glad to see so many of the reverend prelates present; he relied on their support on principles of gratitude, for the reverend bench never surely could forget, how much their anceftors had been indebted to an English jury, when the seven Bishops nobly stood up the champions of liberty. He flattered himself, therefore, that they would assist in repelling an attempt to reduce trial by jury to a mere form.

The LORD CHANCELLOR began with declaring that the question before the House was, whether, after all that had passed, it were necessary that the bill should go forward? It was totally impossible to combat the arguments of the advocates for the bill, without knowing what it was to do; if it were to pass, they ought to shew how the law ought to stand. The bill went to enect that no defendant should be found guilty merely on the proof of publication. That, the House would see, was a mere negative proposition. If no new advantages were to be gained by it, if the law were to stand in the same situation that it then did, in that case the argument would come to a very narrow compass. But the Judge was to do something more; and what more was he to do? Why, the noble and learned Earl, for whose talents and whose character altogether no man entertained a more serious respect then he did, who had opened the debate very ably, and in a manner that did him infinite honour, and for which he returned him his sincere thanks—he said, that the Judge ought to declare the law to the jury, and that they should decide both on the question of law and the question of fact.

His Lordship declared he did not know a more dangerous principle, nor a principle more opposite to every thing he had learned from the first moment of his coming into the profes-

sion to the present day. The great and indispensable rule that he had ever considered as the leading principle in all trials for libel, had been the well known maxim, *ad quæstionem juris respondent judices, ad quæstionem facti juratores*. His Lordship took notice of the manner in which the Judges in general had been treated in the course of the debate, and particularly Chief Baron Eyre, Mr. Justice Buller, and Mr. Justice Ashurst.—He declared, he thought they had been treated rather hardly and unfairly, because certain he was, that they had acted in strict conformity to those established rules of law that had governed the Courts in the time of their ancestors in an uninterrupted course, as had been before seen from precedents reported by Lawyers and Judges of the most profound learning and indisputable authority, from the days of Queen Elizabeth to the present hour.

A noble Marquis, for whom he entertained a very sincere respect, had set out with laying down some positions, that appeared to him to be so just and wise, that when he heard them, he flattered himself that it would have been impossible for him to have differed from the noble Marquis; but, in the subsequent part of his speech, the noble Marquis had gone as wide from his first positions as it was possible for a man to go. Juries had undoubtedly, in certain cases, a power to give a verdict compounded of law and fact, and that was, where they gave a general verdict; in which case it was impossible for a Court to know whether they formed their verdict on facts only or not. He had been glad to hear what had been said of special verdicts, because they were undoubtedly the species of verdicts to which juries, under any embarrassment, might resort with safety, as they then returned the facts only, and left it to the Judges to find the law upon those facts.

The law, according to the maxim he had quoted, fell solely and exclusively within the province of the Judge to decide on, and it was impossible for the Judge to give the law wrong, he meant with regard to its ultimate operation; because the question was, whether the law of any question could have more certainty from a final resort to such a House as that, than from the decision of a jury, pronounced rashly, and without legal knowledge. In order to prove that the Judges always exercised their right to decide upon matters of law, in every case

that came before them, and most frequently for the advantage of the subject, he instanced a case of a man who was arrested for debt, and taken in execution, and who died in prison; his creditor in that case brought an action against his executor, although he had his body: the plea set up was, that he died in execution, having been taken by a *capias ad satisfaciendum*: the jury, however, found a verdict of a contrary nature, it appearing to them that he was not taken by a *capias ad satisfaciendum*; that a *non est inventus* was returned to that writ, and that he was afterwards taken upon an *alias capias*. The Court corrected the verdict, on principles of law, and the jury's finding went for nothing.

His Lordship took notice of the irony with which Lord Lansdowne had treated Mr. Justice Buller's observation on the importance of the power of appeals and writs of error, and declared he had always been taught the right of subjecting the decision of one Court to the revision and investigation of others, as a matter of infinite importance to the subject. In all special verdicts, the difficulty goes to the Judges, and surely it was more safe in their hands than in any others. Speaking of the legal decisions prior to the revolution, he said, that even in those times, when Judges were not independent, the stream of justice ran with remarkable clearness; and he spoke of the education, habits, and profession of Judges, as likely to habituate them better to purity, accuracy, and clearness of ideas, than any thing else whatever. If these were not the means of making men pure, his Lordship declared he did not know what would. He alluded to Earl Stanhope's argument of Friday, which he ridiculed with considerable pleasantry, declaring that he marvelled at the noble Earl having the nerves, that would allow him for so many hours together to go on quoting books, precedents, and cases of bills of exceptions, demurrers, &c. of most of which, in point of application and meaning, the noble Earl had not a single apprehension. It was an undoubted proof of the goodness of his constitution, and the excellence of his nerves; he would not be so malicious as to remember a joke for two days together, and he freely forgave the noble Earl of the liberties he had been pleased to take with him, although he had charged him with having misquoted Hale and various other authorities: the noble Earl, however, had done him the justice

to give him his revenge, by reading the paſſages in queſtion; whence it was evident to all their Lordſhips, that he had correctly quoted the ſubſtance of the caſes. After diſmiſſing this retort, he quoted Mary Mitchel's caſe, and a variety of others in the reign of Queen Elizabeth, from the State Trials and many other learned authorities. It was neceſſary to underſtand theſe caſes correctly, as they were, in an eminent degree, explanatory of the ſubject of proceedings in matters of libel.

He detailed the trial of the ſeven Biſhops, and the language of Judge Holt in Touchin's caſe, where one of the Judges, hearing Holt ſay that he preſumed his brothers would ſtate their opinion, was going to enter into facts, when Holt interrupted him, and ſaid, "Hold, brother; I deſired your opinion on a "matter of law; I did not deſire you to ſum up to the jury "for me." Having travelled through many caſes, his Lordſhip took notice of what the noble Marquis had ſaid reſpecting Lord Bath's ſong, which was written in ridicule of as reſpectable a Judge as ever ſat on the bench, viz. Lord Hardwicke; and declared, that nothing that could be ſaid to diſcredit either that noble Earl or Lord Mansfield, could perſuade him that the Houſe had acquired more wiſdom, or were more capable to decide upon ſuch a queſtion as the preſent, on account of the abſence of thoſe two noble and learned Lords. He remonſtrated ſtrenuouſly againſt altering any part of the eſtabliſhed practice of the law, as likely to lead to the moſt miſchievous conſequences. He remarked upon the compliments that had been paid Lord Camden, and ſaid, the moſt unequivocal compliment that could be paid that noble Earl, was, his having relinquiſhed the conteſt that he had maintained with Lord Mansfield on the preſent ſubject, and appearing to have been convinced, when the noble Earl (Mansfield) had laid a paper on the table, ſtating the directions which he had given to juries in caſes of libels, and deſiring, if they were found fault with, that they might be fairly and openly brought under diſcuſſion.

The Marquis of LANSDOWNE roſe to explain two or three points which had fallen from the noble and learned Lord, and it was material ſhould be ſet right. With regard to Earl Camden's having yielded the point on the occaſion of Lord Mansfield's having put his paper of reaſons for his conduct in caſes of libel upon the table, to his certain knowledge that had

not been the cafe; his noble friend had conftantly maintained his principles, and on the occafion referred to, had fubmitted fpecific anfwers to each part of Lord Mansfield's paper to their Lordfhips' confideration. His noble friend had, in his opinion, infinite merit in foregoing the conteft at the time in queftion, as the feafon had then been moft unapt for fuch a controverfy. He particularly paid Lord Mansfield fome compliments for the civil and proper way in which he had received many attacks from him in the ardor of his youth, when, perhaps, much of what he had faid had been improper; but on thofe occafions, the noble and learned Earl had always treated him with regard and deference.

Lord LOUGHBOROUGH apologized for being obliged, at that late hour of the night, to trouble their Lordfhips; but on a queftion of fuch importance, it became his indifpenfable duty to ftate his fentiments. After an exordium to this effect, his Lordfhip proceeded to explain the grounds on which he fhould fupport the bill; and he began with ftating in exprefs terms, that the Judges had fatisfied him, from the anfwers given by them in the paper on the table to the queftions put to them, that a bill fhould be brought in declaratory of the law on the trial of libels. The idea of this bill was by no means a new one, nor was it merely, as the noble and learned Lord who fpoke laft had ftated, a queftion that had been agitated and difcuffed by young men, while ftudents, and juft learning the elements of their profeffion.

As long as he could remember it had been the fubject of conteft, and its principles had been afferted and maintained with all the force of eloquence and argument, by men of the higheft character and moft acknowledged abilities, both at the bar and on the Bench: he need not enumerate them; it was fufficient to mention Mr. Dunning (the late Lord Afhburton) and Mr. Serjeant Glynn, as two of the former, and the noble and learned Lord at the head of His Majefty's Councils, as the leader of the latter. It confequently could not be confidered as any innovation introduced by furprife. He could not but confider all the arguments that had been urged againft the bill as originating in error, and, on that account, in many inftances proceeding to abfurdity in conclufion and grofs mifapplication. He faid, in the courfe of the debate almoft every noble Lord

who had objected, had reafoned as if a trial for a libel had always been held at *nisi prius*, and confequently by a fingle Judge upon a record fent down by the Court. The fact was notorioufly otherwife: when a trial for a libel proceeded upon an indictment, the Judge was then bound to ftate the law to the jury, as well as the facts adduced in evidence, and the jury neceffarily decided on the combined queftion of the matter of law and the matter of fact. He reminded their Lordfhips, that the fame powers which they thought from motives of prudence ought to veft in the Judges of the higher Courts of Juftice, muft equally veft in individuals of a very different defcription:

At the Old Bailey, an Aderman of London was as competent to fit and act as a Judge in a commiffion of oyer and terminer and jail delivery, as the firft of the King's Juftices in Weftminfter Hall. Nor was it at the Old Bailey only (whence they could not be removed to any other Court) that indictments for libels might be tried, but at Hicks's Hall, or rather the Seffions Houfe in Clerkenwell; and not only in London and Middlefex, but Juftices of the Peace at a quarter feffions in the country, were competent to try libels. Would their Lordfhips therefore think it altogether wife to entruft fuch large difcretionary powers with Juftices of the Peace, as fome noble and learned Lords now contended ought to be fuffered to remain in the hands of the Judges?

A libel was faid to be a crime; if it were fo, his Lordfhip declared it was the Judge's duty upon the trial to ftate what a libel was, and not call for a verdict from the jury firft, and fay to them, "When I come to pafs judgement, you fhall then "know what fort of a crime it is." The word libel, his Lordfhip obferved, was not of itfelf definitively the defcription of any crime whatfoever; it was the more neceffary therefore to ftate it to the jury on the trial, fince it was not confiftent with common fenfe to convict a perfon of a crime where no criminality had been proved. In all his refearches he could find but one rule applicable to libels, viz. that to make them an object of profecution, they muft be ftated to be feditious, and calumniatory either with refpect to Magiftrates, or the government of the country, or individuals. In order to make out a cafe, the tendency and the intention muft be proved; it

was not enough to prove that the perſon accuſed had committed the fact of printing and publiſhing; it muſt alſo be proved that the paper or writing had a tendency to reflect, in a ſeditious, ſcandalous, and calumniatory manner on Magiſtrates, the government of the country, or individuals, and that the perſon publiſhing it did it with an intention of caſting a ſeditious, ſcandalous, and calumniatory reproach on Magiſtrates, the government, or individuals.

One abſurdity was uſually followed by another; he had ſhewn that libels might be tried by Juſtices at a quarter ſeſſions; and it was notorious that moſt of the ſpecial juries in the Court of King's Bench in Weſtminſter were Juſtices of the peace, ſo that the very identical individuals who had ſat as Judges one day upon a queſtion of libel, might the next be converted into jurymen, and deemed incapable of underſtanding that matter of law which it had been their duty to diſpenſe the preceding day. After moſt amply diſcuſſing the leading principles of the immediate ſubject, he apologized for finding it neceſſary to go much at large into the conſideration of various points that were pertinent, though they did not immediately bear upon the queſtion under diſcuſſion.

He combated the Lord Chancellor's ſtatement of the different precedents to which the noble and learned Lord had alluded, and ſtated grounds on which he thought the noble and learned Lord had either miſconceived or miſapplied the caſes. He particularly enlarged on the opinions of Sir Matthew Hale and Chief Juſtice Holt, in reſpect to the caſes of the ſeven Biſhops, and of Touchin. He alſo quoted Mr. Juſtice Keeling, and the comments made by Holt, and other ſubſequent commentators, on particular objections of Keeling, and the difficult points of law that had occurred on various occaſions in his time.

He cited the opinions of Baron Forteſcue, Mr. Juſtice Forſter, the year-books, and various other of the more modern authorities and reporters, and reprobated the caſe of Udall, from the ſtate trials referred to by the Lord Chancellor, ſtating it to be an inſtance of the moſt groſs, ſcandalous, and glaring abuſe of power in Judges that could be adduced. He concluded with ſaying, though he had not half gone through the ſcope of argument, obſervation, and reaſoning that he meant

to have taken, he would ſpare their Lordſhips any farther tax upon their patience, and content himſelf with declaring, that he conceived all muſt agree that the bill ought at any rate to go to a Committee.

Lord KENYON came forward, very ſhortly to obſerve on two or three particular points that had fallen from the noble Lord, that were extremely material, but declared he would treſpaſs for a very few minutes only on the patience of the Houſe. His Lordſhip then conteſted ſome of the caſes cited by Lord Loughborough, and expreſſed his ſurpriſe that the noble and learned Lord, with a head ſo accurate, and an underſtanding ſo acute, ſhould have forgotten to ſtate certain points which he mentioned. He anſwered what Lord Loughborough had ſaid reſpecting trials of libels by Juſtices of the Peace, at quarter ſeſſions in the country; and ſaid the commiſſions under which Juſtices of the Peace, by far the moſt uſeful Magiſtrates in the kingdom, were conſtituted, originated above five hundred years ago, in the reign of Edward the Third, and contained a ſpecial proviſion in them, that all the more arduous matters of a judicial nature ſhould be referred to the higher Courts, and at any rate they were reviſable upon appeal by *certiorari* to an examen in the Court of King's Bench. He deſired the Houſe, before they voted for the bill's going any farther, to conſider to what an extent the bill would go if they decided in its favour; that they would have no authorities to refer to as a ſecurity for their Lordſhips' eſtate, an argument which he earneſtly preſſed on their Lordſhips' conſideration.

Lord GRENVILLE promiſed to ſtate his arguments in ſupport of the bill very ſhortly; but he wiſhed to inform their Lordſhips of the grounds on which the bill had originated, the arguments that chiefly induced him to contend for it ſtrenuouſly, and the reaſons why thoſe arguments appeared to him to be irreſiſtible. A practice had of late obtained for Judges, on the trial of queſtions in caſes of libel, to tell juries, that they had nothing to do but to find the facts of printing and publiſhing, and to leave the whole of the other conſiderations to them. If this practice had not lately obtained, Lord Grenville ſaid, it had at leaſt drawn the public attention to it more than it had formerly done, and there prevailed a pretty general opinion againſt it. So convinced was he of its impropriety, his Lord-

ſhip ſaid, that if it could even be proved to him that it was the eſtabliſhed law of the land, and that all the precedents, in all times and under all circumſtances, ran in one uniform ſtream in its favour, ſtill he ſhould be of opinion that it ought to be aboliſhed.

So convinced was he, that the practice ought not to exiſt under the circumſtances of the preſent times, that he ſhould ſtrenuouſly have ſupported the preſent bill, had the arguments in its favour been leſs forcible. His Lordſhip declared, that, were it an enacting bill only, he was ready to vote it immediately, and in that caſe there would ſolely have remained the policy to have diſcuſſed a queſtion which it would have been extremely eaſy to maintain. He complimented the noble and learned Earl who had opened the debate, and Lord Loughborough alſo, for the able manner in which they had defended the bill, and ſo juſtly and eloquently ſtated its principles.

He wiſhed Lord Kenyon had gone more fully into the diſcuſſion of his objections, being perfectly conſcious that they were capable of receiving an anſwer, and that the abuſes in the practice of the Courts which the bill went to correct were ſo enormous, that the bare ſtatement of them would be ſufficient to convince every unprejudiced man, that the bill ought to paſs. He inſiſted that in all crimes the intention was an eſſential point. In murder, the moſt flagrant of all criminal caſes, it was not only neceſſary to prove the killing a man, but the intention to murder him, to make it murder. So, in caſes of libel, a man might write a letter againſt a Magiſtrate, which might, at firſt ſight, appear to be ſeditious and ſcandalous, but which, upon farther inveſtigation, might be found to be no libel, but a letter written with an intention worthy of a good ſubject.

In Stockdale's caſe, his Lordſhip ſaid, the publication and inuendoes were admitted, but the jury had, nevertheleſs, given a verdict of not guilty, and muſt conſequently have decided both on the law and the fact. It was, he ſaid, the duty of the jury to take into conſideration the whole of the premiſes on which they were to find a verdict of guilty, or not guilty. The conſtitution, he was ſatisfied, muſt have intended that juries ſhould poſſeſs the whole power combined, the twofold conſideration of the law and the fact; and ſeeing the ſubject in

that point of view, he ſhould agree to a bill to declare it to be the law; and even had it not been ſo, he was ready to agree to the paſſing a bill that would evidently tend to ſtrengthen the hands of Government, and put an end to ſuch libels as were otherwiſe to be expected againſt the peace and happineſs of the country.

The Houſe divided on the queſtion of commitment.

Contents	——	57
Non-Contents	——	32
	Majority for the bill	25

The bill was ordered to be committed.

The Houſe adjourned.

Tueſday, 22d May.

The Lords proceeded on the bills before them, and adjourned without any debate.

Wedneſday, 23d May.

The Houſe in a Committee on the ſervants' characters bill, went through the ſame, and ordered the report to be received to-morrow.

The Houſe adjourned.

Thurſday, 24th May.

The Houſe proceeded to take into farther conſideration the ſlave-trade propoſitions, and having examined a witneſs, the farther hearing was adjourned to

Friday, 25th May.

At one o'clock their Lordſhips proceeded on the examination of witneſſes, and continued until ſix in interrogating Captain Farrar, who, among other things, ſtated, that he was up the country at Dohama, in the year 1790, with a French, Engliſh, and Portugueſe Governor; that for the ſpace of a month they were daily witneſſing numbers of unfortunate wretches who were led as ſacrifices to the late King; and that on the laſt day

he ſaw at leaſt five hundred heads which had been ſevered from their bodies; that while there, he bargained for ſeventeen ſlaves in one day, and going on the next, he found they had been murdered in the night, the King having been informed a ſacrifice was neceſſary; and that he verily believed thoſe ſacrifices would be much more frequent, if it was not for the weight that intereſt had with the Chiefs.

He was croſs-examined by the Duke of Clarence, the Lord Chancellor, and Earl Stanhope. When the Counſel was ordered to withdraw, he begged to be diſcharged, as his ſhip had been ready for ſailing twelve days, which was oppoſed by Lord Grenville, upon the ground that much croſs-examination might be neceſſary. This drew on a converſation between the Duke of Clarence, Lords Stormont, King, and Grenville; the two former contending, that their Lordſhips had better undergo the inconvenience of ſitting another hour, than that an individual ſhould ſuffer the prejudice of being detained ſeveral days. At length, Lord Grenville gave up his deſire of croſs-examining him; the witneſs was diſcharged, and the farther proceedings on this buſineſs ordered for Tueſday ſe'nnight.

The Houſe adjourned.

Wedneſday, 30th May.

Proceeded on the bills before the Houſe, without any debate.

The Houſe adjourned.

Thurſday, 31ſt May.

The order of the day being read for taking into conſideration the King's Proclamation,

The Marquis of ABERCORN claimed the attention of the Houſe. He obſerved, that the ſerіouſneſs of the ſubject, its importance, and its magnitude, were ſuch, that he felt a conviction he ſhould meet with their Lordſhips' approbation in the meaſure he ſhould propoſe. He felt a confidence alſo that it would meet with a general concurrence throughout the country. The object which he had in view was, to agree to an addreſs formed in the other Houſe of Parliament—an addreſs of

attachment to His Majesty and his illustrious Family, his crown, dignity, and the genuine principles of the constitution. This attachment was founded on the principles which united us together in one bond of social union, and kept together by those ties, and invigorated by those feelings, which ought to actuate the heart of all those who knew that, as men, they were bound to transmit unsullied to their posterity what from their ancestors they received with such advantage. This was a time for us all to declare what we felt, and to make known the principles by which we were actuated; it was necessary we should do so for the preservation of what we at present enjoyed. It was a season, indeed, of national happiness and tranquillity, and stood admirably contrasted with that period when it was well known that we were on the brink of ruin. It was a season in which, he would venture to say, that the people of this country were without a grievance or oppression; that they neither felt, nor had any reason to feel, any distress; that there was not one man in this country at this moment unprotected; nor did he believe there was one who need be unemployed.—Contrasting it with the state of the country at a former period, would afford pleasure to all who were its well wishers; but contrasting it with other countries at the present period, was matter of still greater exultation; and he believed there was but little encouragement to follow the example which had lately been set to us by a neighbouring country, and recommended to us with such assiduous industry by some persons in this. He believed, indeed, that he might venture to say, that, taking all mankind together in one view, of all those who had their affairs regulated by any thing deserving the name of Government, or who could pretend to say they had a constitution, or any thing deserving of that name, there were none so happy as the people of this country. This led him to reflect on the disposition, and the possible effect of disseminating the works of those who had lately been employed in endeavours to make the people unhappy and discontented. He had, indeed, for months, seen various publications filled with invective against the leading characters of our Administration, against the State, against the form of our Government, and against all constitutional authority whatever; against the very existence of all Government, and against the bonds by which we were bound together in a

focial ftate; fome of them objecting to the mode and form of our Government—others to the practice, others to the expence of it, all tending to make the people difcontented, and to lay down the plan of our total ruin. The affairs of France, and the conduct of the French, had frequently been alluded to in thefe publications; the one was celebrated as a matter of triumph, the other recommended as fit for imitation. For his own part, he muft confefs, that both appeared to him to be regarded as a leffon for mankind, teaching them to avoid, inftead of applauding, much lefs producing a defire of imitation. However, he had nothing to do with French politics on this occafion, nor had the people of this country. We had only to go on our own way, purfue our own affairs, preferve our own happinefs; and leave the French, that wretched nation, to its own wretchednefs; to concert plans, to purfue meafures, to adopt fentiments, which difgrace human nature, and deftroy happinefs; or to endeavour to make fuch atonement for former mifchief as they can; we fhould totally avoid all difputes upon topics which related to them; we fhould pafs over the whole of their folly and mifery without a comment; that was his wifh; but if it was well known, that not contented with their own wretchednefs, not fatisfied with their own ruin, they were bufily employed in endeavouring to convert the inhabitants of other countries to their opinions, to fpread their political maxims all over Europe, and to make mifery univerfal, he confeffed he thought it was high time for the people of this country to be put upon their guard againft thefe dangerous errors. From much that had had feen, and from much more that he had a right to fufpect, he was fure he did not fay too much, when he faid the people of this country ought to be put upon their guard againft fuch attempts. It was well known, indeed it was publicly notified, that affociations were formed in different parts of this kingdom; in fome cafes, perhaps, innocently intended, but all indefinite in their object, and therefore dangerous in their effect; he muft, under fuch circumftances, fay, that the meaneft profelyte ought to be told of his error; he therefore thought that Government, and the Parliament of this country, ought to confider themfelves as at iffue with the authors of the feditions writings alluded to in the proclamation, and that they were bound to refute the calumnies on the con-

ftitution, and, by their deliberation, come to a refolute agreement to difcountenance fuch proceedings, and to tell the people of this country, that the prefent is a moment in which the Legiflature of this country is determined to repel and counteract this attempt to enfnare and delude the Public. It was a fatisfaction, however, to himfelf and thofe who wifhed well to this country, to fee that the effect of all the attempts to deprive the people of this country of the happinefs which they enjoyed, by making them diffatisfied with it, had hitherto been very trivial. It was true Government had been filent on that fubject; until very lately, they had beheld thefe attempts with a contempt almoft bordering upon indifference to the public happinefs; on this he did not wifh to give an opinion. It was fufficient to fay, that the whole being hitherto left to the almoft unaffifted good fenfe of the people of England, no complaint could be made againft thus taking it up in Parliament, and by this difcuffion, referring and appealing to the people upon the determination whether or not it fhall any longer be a queftion of indifference. As to the various affociations that had been formed, for fomething, he knew not what, nor could any thing be known, becaufe there was nothing definitely expreffed, he believed that if they were analized, and their views really explained, that explanation would alarm the beft politician in this country, and make him confefs the neceffity of parliamentary interference. The affociations were numerous, fome of the members of them obfcure individuals—others who had figned their names to refolutions, were well known to be men of wealth and refpectability, fome of whom were Members of the very Parliament, the power of which they thus wifhed to diminifh. When men of fuch character, connection, and influence avowed fuch intentions, it was time for Parliament to ftand forward, and avow its own authority, for the protection of its own rights, and for the intereft and the happinefs of the people; and under this impreffion, he was ready to confefs, he rejoiced that the queftion was at iffue between Government and the authors and publifhers of thefe feditious writings, and the members of thefe affociations. He was glad that the fubject was entirely before the people of England, in order that they may judge for themfelves. Their good fenfe would form a juft decifion on the fubject. It was not the refpectable names

of any member of any associations, of any volunteer Parliament, that would induce the people of this country to fight against that constitution which was the bequest of their forefathers; they would consider into what depth they might fall before they would move, under these circumstances, from the rock on which they stood. He did not pretend to say he understood all that was in the view of our reformers, but as far as he could understand them, they appeared to him to have a wish first to recommend themselves to the people of this country as their peculiar friends, and when they shall have succeeded in that endeavour, and shall have brought the country at their feet, then to promise to use it well; but he was confident that there was but little fear either of their influence, their number, or their plots; for he believed, that when once we had counted them from the lists, as they published them, we had really counted their whole army; but that there might not be false rumours on the one hand, or dangerous and hidden plots on the other, Government had acted wisely in issuing this proclamation, in order that the people of this country may exert their good sense to preserve their happiness by preserving order. He did not much wish to indulge conjecture; but he would say, that if there were any intentions hostile to the present Government, the reliance in that case must not be on the people of England, but on some other assistance. It was true, that some of them expected the countenance of the whole body of Dissenters in this country; and indeed he was sorry to reflect, that from the manner in which they had been treated, there was some reason to fear that they were dissatisfied in some respects; but he trusted that such a reliance would be ill founded. The Dissenters, as a body of men, were certainly respectable; and whatever might be the opinion of others, his had uniformly been, that civil distinction, on account of religious persuasions, were all unwise, and should never be supported by the authority of the State. God forbid we should suspect any man of evil intentions to Government, from his mode of religious worship. His principles, he confessed, were, in this particular, in favour of as much religious toleration as could possibly be granted; and that there should be as little inequality in civil rights as was

consistent with the safety of the established mode of worship, and in his mind it was bad policy to refuse any civil rights to any class of men on account of their religious principles.—The time was now come, when all who had any regard for the safety of the State should stand forward in its defence, both for civil advantages and religious toleration, because there were attacks made on both our civil and religious constitution, and he trusted the Dissenters, differing as they did from the members of the establishment, and, in many instances, from each other, would yet agree to support the constitution, on which depended the happiness of us all.

With regard to the ideas of a parliamentary reform, considered in itself, he was ready to confess he was not alarmed at it; but although thus simply considered, it was harmless in itself, yet, combined with certain circumstances, it might create the greatest dread and terror. Indeed he thought that a parliamentary reform, undertaken in a proper manner, at a proper time, was a measure so right in theory, that it would be proper to attempt to carry it into practice; he thought so on a former occasion, and therefore voted for it. He would vote again for a similar proposition under similar circumstances; but he must beg leave to declare that this was not the time at which any attempt should be made to make any alteration whatever. Still less did he approve of the manner in which the proceedings of the different Associations were carried on. They seemed to him to set out in the most dangerous manner; for by appealing to the people, and endeavouring to change their minds, they in fact went about to subvert all order and decorum; for by changing the minds of the people, and making them discontented with their present condition, they prepared them for something more, a disposition to obtain the object of their desire by force, a principle at war with all order and tranquillity in a State. It was not a reform in Parliament which this plan could be said to aim at, for before the will of the people could be known on this subject by this way, Parliament must be no more. Much stress had been laid on what was called the voice of the people; but this was, like many other sentences, capable of being much misapplied, and it was so in this instance. There never was

yet a faction so contemptible that could not form a Committee, and draw up resolutions, calling them the voice of the people. There never was yet a number of persons associated for such purposes as those, who were so destitute of address, as to be unable to obtain petitions from various places, praying for any object which they thought fit to advise them to call for—this too was called the voice of the people—but in fact it was nothing but the clamour of a faction, composed of discontented and designing individuals. But he believed that the present Associations would, like many others, be treated with contempt by the Public. They seemed to him to have but little advantage in any respect—with politics that were exploded—popularity that was entirely silenced—commotions that were suspected, principles that gave general disgust whenever they were made manifest to the Public. He would say, that, little as he loved, he feared them less. But yet as there was no cause for fear hitherto, it by no means followed that there never would be any reason to dread these efforts; for if not checked in time, they might become formidable. The cause was the cause of the country, and he hoped the good sense of its inhabitants would not suffer any set of men to infringe upon the prerogatives of the Crown, the liberty of the subject, or in any degree to go beyond any one of the limits of the constitution. He owned he had great confidence in the people of this country, in every view in which he contemplated their character. The people of England were now, what they always had been, a generous, brave, and a judging people. They would not suffer themselves to be deluded by the artifice of a faction. They were the happiest people on earth. They knew it, they felt it, and they deserved it. From an attachment to their Sovereign, to themselves, and to their country, they would preserve their freedom. He then moved, by way of amendment to the address of the Commons, to make it the address of both Houses of Parliament, by inserting, after the words, "That the "humble address of," the words "Lords Spiritual and Tem-"poral, and"

The Earl of HARRINGTON seconded the motion, and said, every country must support its constitution, and he relied

on the good sense of that House to support the constitution of this country. His Lordship declared his hearty approbation of the measure adopted by Government, as calculated to secure and maintain a constitution, which had long been the admiration of the world: a constitution in which the laws were equal, and by which our situation had been rendered flourishing and happy: it was a constitution which he hoped might long continue as it now was, and produce blessings to the country to the end of the world.

The Prince of WALES (and it was the first time he ever spoke in Parliament) came forward on the occasion, and in a manly, eloquent, and, we may truly add, persuasive manner, delivered his sentiments. He said, that on a question of such magnitude he should be deficient in his duty as a Member of Parliament, unmindful of that respect he owed to the constitution, and inattentive to the welfare, the peace, and the happiness of the people, if he did not state to the world what was his opinion on the present question. He was educated in the principles, and he should ever preserve them, of a reverence for the constitutional liberties of the people; and as on those constitutional principles the happiness of that people depended, he was determined, as far as his interest could have any force, to support them. The matter in issue was, in fact, whether the constitution was or was not to be maintained—whether the wild ideas of theory were to conquer the wholesome maxims of established practice; and whether those laws under which we had flourished for such a series of years were to be subverted by a reform unsanctioned by the people. As a person nearly and dearly interested in the welfare, and he should emphatically add, the happiness and comfort of the people, it would be treason to the principles of his mind, if he did not come forward and declare his disapprobation of those seditious publications which had occasioned the motion now before their Lordships; and his interest was connected with the interest of the people; they were so inseparable, that unless both parties concurred, happiness could not exist. On this great, on this solid basis, he grounded the vote which he meant to give, and that vote should unequivocally be for a concurrence with the Commons in the

address they had resolved upon. His Royal Highness spoke in a manner that called not only for the attention but the admiration of the House; and these words were patriotically energetic: "I exist by the love, the friendship, and the benevolence of the people, and their cause I will never forsake so long as I live." His Royal Highness then concluded with distinctly saying—"I give my most hearty assent to the motion for concurring in this wise and salutary address."

The Earl of LAUDERDALE rose, a great cry for several noble Lords, who presented themselves, took place, which at last subsiding, the noble Earl observed, he should have given way to others with pleasure, but that from particular circumstances at the present moment, he was under the necessity of soliciting permission to address their Lordships. If ever there was a man particularly called upon to deliver his sentiments in that House, and to repel the attacks made upon them, and all those with whom he acted, he was the man.—If ever there was a man who felt, and ought to feel, an eagerness to defend his character, and the character of those for whom he had the greatest affection, from aspersions and insinuations unfairly thrown out against them, he was that man, and therefore he trusted their Lordships would do him the justice to impute his eagerness to the proper cause. Those with whom he acted, in the situation to which the noble Lord who opened the debate alluded, a Society of the Friends of the People, for the purpose of obtaining a Parliamentary Reform, were men of as spotless characters, pure intentions, and unsullied virtue, as any in that House, or in this kingdom, and he believed that the voice of malice had never been heard to assert the contrary. They were characters whom no one had ever ventured to detract. Having borne this testimony for them and for himself, and maintained that they all had as much affection for the Sovereign on the Throne, as much respect for the laws, and as much attachment to the principles of the constitution, it might be expected that he should proceed immediately to the motion before their Lordships, but he must, he said, be permitted to observe, that all the pains which had been taken to impress the people of this

country with an idea, that thofe who called for a reform had fomething more in their defires and their wifhes than they were willing to exprefs by words, were very infidious, and were as falfe as they were infidious. He, and all thofe who were the objects of thefe calumnious infinuations, were as well and as firmly attached to the Houfe of Hanover, as well convinced of the fecurity the people of this country had for their freedom at the acceffion of that Houfe to the throne of this kingdom, as any man in this country, or in Europe.

They had an unfeigned attachment to His Majefty, and every branch of his illuftrious family, which an event of this day tended to confirm, in a fpeech which, while it delighted all who heard it, conveyed an affurance of fecurity for a continuation of the higheft protection to conftitutional fentiments; for his own part he affured the Houfe, their Lordfhips fhould hear nothing from him that would tend in the leaft degree to depreciate the conftitution of this country; all his endeavours on that part of the fubject, which might be called perfonal allufion, fhould be only to fhew how the Friends of the People and their proceedings had been mifreprefented. If he could view the proclamation in the light in which it was taken by the noble Lord who moved the addrefs, he fhould have been ready to agree to all that could be moved in fupport of it. But viewing it in quite another light, he fhould deem it his duty to follow a very different courfe, and to move an amendment on it. The amendment which he fhould propofe would be an addrefs in which nothing would appear that was difrefpectful to the Legiflature, or contrary to the principles of the conftitution of this country. On the contrary, it would contain the higheft refpect for both. The noble Lord who moved the addrefs now before the Houfe, was pleafed to infinuate that they entertained fentiments which they dare not avow; and talked of their ufing a language which he did not believe to be the language of the people of this country. Upon the firft part of the obfervation he would have the Houfe and the world to know, that there was not a man in their fociety that faid what he did not mean. If ever there was a fet of men that took pains to inform the public of all they wifhed to obtain, it was the fociety of the Friends of the People, they had always taken care to publifh their declaration and political creed, and pledged themfelves

to abide by it whenever the least hint was dropped of a doubt of their intentions. He should not have taken such pains to expatiate on this topic, if such pains had not, on the other hand, been taken to misrepresent them. With regard to the other part of the observation of the noble Lord, that they spoke not the sentiments of the people of England, he must be allowed to say, that neither of them could be qualified to judge decidedly of that subject, neither of them precisely knowing what these sentiments were; but the society of the Friends of the People were taking the only method that could be taken to know these sentiments, and with that view had abstained from moving any thing in Parliament until that sentiment could be known, for which purpose hey had given notice of bringing it forward in the next session, allowing, in the mean time, the people time to consider upon the subject. So that in point of fact, they were accused of doing what the people of this country did not wish, when it was clear, they only called on the people of this country to express that wish, before any attempt was made to support it. As to the proclamation itself, he observed, that in their eagerness to obtain their ends, those who had been concerned in framing it and advising His Majesty to issue it, had been so eager, that they had overlooked and neglected their own character, in endeavouring obliquely to vilify the characters of others. They had neglected their usual policy; they had been unable to conceal their object, a thing exceedingly uncommon with them. As to the effect of the proclamation, he begged their Lordships to reflect for a moment, before they gave it any approbation. One part of it struck him to be of an extraordinary nature.

"And whereas the wealth, happiness, and prosperity of this "kingdom do, under divine providence, chiefly depend upon "order, submission to the laws, a just confidence in the wis-"dom and integrity of Parliament, and a continuance of that "zealous attachment to the Government and constitution of "the kingdom, which has ever prevailed in the minds of the "people thereof."

Now this very confidence, which was here extolled so much, was one of the great reasons why a reform was necessary; or rather because there was no confidence by the public in that very Parliament. Those who doubted this might reflect on

the armament against Russia. A measure carried with vast majorities in Parliament; but so execrated by the people, that the Minister, with all his boldness and contempt for public opinion, dared not attempt to carry it into execution. Thus there was a necessity for a reform, or else the "happiness, "wealth, and prosperity of this kingdom do not depend on a "confidence in the integrity of Parliament." Another part of the proclamation demanded particular notice.

"We do strictly charge and command all our Magistrates in "and throughout our kingdom of Great Britain, that they do "make diligent inquiry, in order to discover the authors and "printers of such wicked and seditious writings as aforesaid, "and all others who shall disperse the same: And we do far-"ther charge and command all our Sheriffs, Justices of the "Peace, Chief Magistrates in our cities, boroughs and corpo-"rations, and all our other Officers and Magistrates through-"out our kingdom of Great Britain, that they do in their se-"veral and respective stations, take the most immediate and "effectual care to suppress and prevent all riots, tumults, and "other disorders, which may be attempted to be raised or "made by any person or persons, which, on whatever pretext "they be grounded, are not only contrary to law, but danger-"ous to the most important interests of the kingdom. And "we do farther require and command all and every our Magis-"trates aforesaid, that they do from time to time transmit to "one of our principal Secretaries of State, due and full infor-"mation of such persons as shall be found offending as afore-"said, or in any degree aiding or abetting therein, it being "our determination, for the preservation of the peace and hap-"piness of our faithful and loving subject, to carry the laws "vigorously into execution against such offenders as afore-"said."

What was meant and intended by this? If any had offended against the laws, were not the Courts of Westminster Hall open? Why establish a system of inquisition in this country? What a miserable compliment to the jury of this kingdom, to tell them that they are unfit to try those who are found offending against the laws, without the assistance of a Court of Secret Inquisition! What a compliment to gentlemen who hold the King's Commission of the Peace, to call upon them to become

ſpies and informers! What a compliment to the whole juriſprudence of England, to tell the people that their ſecurity does not depend upon the law of the land publicly to be adminiſtered, but on the ſecret practices of a neſt of informers, acting behind the curtain! That it was not law and reaſon, but power and oppreſſion, which formed the ſyſtem of our Government. He objected to this proclamation alſo upon the general tendency of it; that tendency, he was confident, would not be to produce confidence and contentment in the people, but diſtruſt and diſſatisfaction—not friendſhip and good will in one claſs of men towards another, but animoſity and malevolence. Much had been ſaid about the writings of Mr. Paine, and about the propriety of counteracting their effect. If ſo, why not have taken that ſubject up a great while ago? The author and the publiſher were well known; there was no difficulty in it, if Government were in earneſt upon that ſubject. Indeed he doubted their ſincerity—or if they were ſincere, he doubted the propriety of either telling the people of this country what books they ſhould read, or how they ſhould think; there was ſomething in the human mind that diſdained to yield to any mandate whatever. Beſides, if theſe publications were brought to trial, the whole would be publiſhed, and all the arguments made uſe of brought forward in the ſhape of a trial in a Court of Juſtice, would become more alluring than at the time of the original publication. Upon the principle of liberty he doubted the propriety or juſtice of proſecuting any man for the publication of any ſpeculative opinion whatever. It was one of the advantages of a free conſtitution, that ſpeculative opinions could be publiſhed on it, in order that the people might have an opportunity of reading, comparing, judging, and thinking for themſelves. As to the works of Mr. Paine it was obſervable, that when he began to write, he was remarkable for moderation—but being employed in the collection of revenue—and his buſineſs leading him to the coaſt of Suſſex, where the opinion of the Duke of Richmond had ſo much influence, he became quite intemperate in his ideas of the abuſe of the repreſentation of the people. He proceeded then to ſhew, that neither the time nor the manner in which the Friends of the People had proceeded for obtaining a reform in the repreſentation of the people were new. They followed

the steps of the Chancellor of the Exchequer and the Duke of Richmond, by whom they were now abused, now, merely, because there was no other excuse for the apostacy of these two pretenders to public principle. It was a miserable attempt to call off the public attention from their former professions, and to enable them to continue in office at the expence of the Public. [Here he entered into an account of all the meetings held at the Thatched House in the year 1782, under the auspices of the Duke of Richmond and the Chancellor of the Exchequer. For these accounts see the report of the debate in the House of Commons on the Proclamation.] He added other instances of the same nature to prove the absurdity as well as injustice of complaining of the mode and time of bringing this subject of reformation forward. The truth, he said, was, that there was no difference as to the manner of bringing this forward, and that adopted by the Duke of Richmond, and the Chancellor of the Exchequer. As to the time, if there was any difference, it was, that the present was a time of tranquillity, and the other was a time of tumult. As to the parties, indeed, there was a great difference. The Chancellor of the Exchequer and the Duke of Richmond might promise the public any thing, and retract it at their pleasure, and preserve their consistency, for their consistency was nothing more than a series of deception on the Public, and in this they were only acting in character. But the Friends of the People had pledged their character to go on with their plan of reform in the representation of the people in Parliament. They must proceed; for they had not the prescription of pledging themselves to do a thing which they might afterwards desert. The noble Duke might do as he pleased. He had once been a great friend to a parliamentary reform, and called on the people to assert their rights. Now he was to be at the head of a camp formed to overawe the people of this country, and particularly the inhabitants of this metropolis.

Upon the laughter of some noble Lord, Lord Lauderdale here said, "The noble Lord is pleased to laugh; perhaps he knows of some secret enemy; of some place of invasion; of some information of hostile purposes in other countries, which Ministers, in their prudence, have not communicated to us." In giving the command of this camp to the Duke of Richmond,

if *apostacy* could justify promotion, Ministers were well justified; for, perhaps, in the whole list of public apostates, there could be found none equal to the noble Duke, if the name of General Arnold was previously erased from it——

The Duke of RICHMOND called upon their Lordships to put a stop to such *impertinent* language. He was ready to bear with any soreness which the noble Earl, in his peculiar situation, might feel; but when he proceeded beyond the bounds of decency, he hoped the House would interfere *.

* AFFAIR of HONOUR between the DUKE of RICHMOND and the EARL of LAUDERDALE.

In consequence of a very strong expression made use of by the most noble Duke to the Earl of Lauderdale, in the debate on Thursday last, we understand that his Lordship sent him, the following day, by Mr. Grey, a message, purporting that, in consequence of the severity which he used towards the public conduct of the noble Duke, he (the noble Earl) expected that his Grace would, in his answer, have gone to as much severity of reply as the rules and decorum of debate would permit him. But that he had gone infinitely beyond this, and had made use of an expression unjustifiable among gentlemen. He demanded, therefore, that his Grace should retract this expression.

The noble Duke refused to make any concession, and said, he was ready to give the noble Earl the meeting *immediately*. Mr. Grey said he was instructed to tell the noble Duke, that if he did not comply with the demand, Lord Lauderdale would expect to meet him the next morning, but he could not undertake to fix a meeting without again consulting his Lordship, sooner than that time. A meeting was accordingly fixed for the next morning on the Edgeware Road.

In the evening Mr. Grey received a letter from Colonel Phipps, intimating that he had hopes the affair might be amicably settled, and that the noble Duke would not persist in the expression, if Lord Lauderdale would say that the allusions in his speech were all to the public political conduct of the Duke of Richmond, and not to his private character.

Mr. Grey said, he could at once answer for his noble friend, that his allusions were all to the public conduct of the noble Duke, for they were expresly declared so to be in his place at the time.

These gentlemen afterwards met, and Colonel Phipps brought a paper from the Duke, which stated that warm expressions had passed between the two noble Peers, and that a discussion having taken place, and Lord Lauderdale having declared that his expressions alluded only to the public conduct of the noble Duke on the question then under consideration, he, the noble Duke, did not persist in his expression to Lord Lauderdale.

This paper being shewn to Lord Lauderdale, he objected to two material passages in it.—1st. That it should be stated, that on his direct demand, a discussion had taken place—and 2d, That his expressions of severity against the noble Duke, were not confined to his

Lord LAUDERDALE proceeded, and ſaid that he knew of no indiſcretion that he had been guilty of, or any tranſgreſſion againſt the order of debate; if there was any complaint to be made againſt him, he was perfectly ready to defend himſelf. In fact Miniſters were actuated by meanneſs and by malice in their preſent conduct. Their views were to divide their opponents as a party—but that was a fruitleſs attempt; and the impotence of it was too apparent to merit notice. They were a party that had done much for the people of this country, and obtained them many advantages; they were a party that had exerted itſelf in the cauſe of the people, ſince the time of bringing forward the Iriſh propoſitions, to the defeat of the Ruſſian armament, and the laſt bubble of the ſinking fund. Here his Lordſhip paid ſome handſome compliments to the Duke of

political conduct on the particular queſtion of parliamentary *reform*, but *generally* to his public political conduct; and he wiſhed them ſo to be underſtood.

The paper was altered agreeably to the demand of the noble Earl; and the affair, which was drawn out to very near the time appointed for the meeting in the field, was happily ſettled.

*** In ſtating the above matter, we are fully ſenſible of its delicacy, and of the importance of the ſlighteſt deviation from the preciſe truth. We have delivered it to the Public faithfully from the report in the upper circles, as it has been ſo much the ſubject of converſation.

The above account appeared firſt in the Morning Chronicle; *the following was afterwards publiſhed in all the papers:*

We have authority to give the following authentic ſtatement of the reſult of the late tranſaction between the Duke of Richmond and the Earl of Lauderdale:

Some ſtrong expreſſions having taken place in the debate on Thurſday, in the Houſe of Lords, Lord Lauderdale requeſted an explanation of an expreſſion uſed by the Duke of Richmond; and a diſcuſſion having taken place on the ſubject, Lord Lauderdale declared, that the expreſſions uſed by him, applied ſolely to the Duke of Richmond's public conduct, and that he meant nothing in any reſpect perſonal to his Grace's private character. The Duke of Richmond, on his part declared, that he did not perſiſt in the terms he uſed to Lord Lauderdale, thoſe expreſſions having been ſuggeſted ſolely by the idea of his private character having been attacked.

A meeting afterwards took place between Lord Lauderdale *and* General Arnold, *on the 1ſt of July, but terminated without any unpleaſant conſequences to either party.*

Portland, Mr. Fox, and other Members of the party to which he alluded, and then proceeded to take notice of the functions of that House, as the hereditary advisers of the Crown, and made many excellent remarks on the propriety of not only not disturbing, but of taking pains to prevent disturbance in the public mind. He concluded with observing, that notwithstanding all the abuse that had been bestowed upon the Friends of the People, there were none who were more eager for the welfare of the people. He then moved an amendment, to the same effect with that moved in the other House by Mr. Grey.

The Duke of RICHMOND rose to defend himself from the charge of inconsistency, which the noble Earl had made against him. His opinions were not altered on the subject of reform from what they were at the period alluded to; but when the difference of circumstances was attended to, he thought he would be in no danger to leave the determination on his consistency to the House—for he maintained the causes which induced him to adopt these principles, and support a parliamentary reform in 1782, were such as deterred him at the present time from bringing forward, or wishing for any measure of that nature. With regard to the quotation that had been made from what were his words on a former occasion, he must remind the noble Earl, that the speech quoted, was spoken in reply to what had fallen from a noble Marquis (Lansdown), who had wished to revive the negative of the Crown. He did not consider the proclamation as directed particularly against the Association of which the noble Lord avowed himself to be one; but as far as it had any allusion to that society, he was not surprised that the noble Lord felt sore on the subject, especially when he was obliged to confess that, in acting with them, he was under the necessity of differing with many of his best friends, who were adverse to all such proceedings. He approved much of the manner in which Ministers had come forward with the proclamation, by making themselves responsible for the measure, and then asking the opinion and approbation of Parliament upon what they had done, which was certainly a better and more manly way than if they had previously obtained the approbation of Parliament, and shifted responsibility from themselves, by acting under that sanction; and he

owned he did not expect that there would have been any attempt made to blame Ministers for that conduct, particularly as they had the opinion of most of the leaders of opposition on their side. He thought the wisdom of all reforms depended much upon their being well timed; and this, of all others, he conceived to be the most improper time to agitate such questions. He did not mean to ascribe any bad intentions or motives to the Association, but he really thought their measures had a dangerous tendency, by the effects they might produce on the public mind at this juncture. He described what he considered to be the unalienable rights of men, but would not admit that individuals were Judges of that point. He agreed with Mr. Burke that no reform was proper except it was necessary, and made this distinction between the reform which he had supported, and that now proposed by the Association. Then the country called for reform, now the Association called upon the country to support them in doing it, by stirring up in the minds of the people discontents and jealousies, of which they themselves were perfectly ignorant. He declared that he was still as much for a moderate reform in the representation of the Commons as ever, provided the people called for it; but they were too wise to think this the proper time. The conduct of the Association was, in his mind, prejudicial to every thing like temperate reform, and in its attempts and tendency might prove dangerous to the State. In the first instance they do not agree amongst themselves, which is absolutely necessary, if their object is to do good; they complain loudly of grievances, but offer no specific remedy, nor do they state any one proposition; the country, he said, if it called for reform, would not be pleased with a little tinkering up of the constitution; the people would insist upon a direct system of relief from the grievances they suffer. From this mode of conducting the Association, the real friends to reform were obliged to differ with them in almost every thing they did. But it was not against doctrines of reform that the proclamation pointed, for what they heard most of now-a-days, was not a wise, temperate, and salutary reform, but a total subversion of all Government, here and every where else; and he declared he had no doubt but there were foreign emissaries hired in this country for that purpose, and he really believed that Paine came under that description.

3

At any rate he was warranted in ſaying ſo from his ſecond book, where, amongſt other wild and dangerous doctrines, he ſays, that the navy of this country, to which it owes ſo much of its ſecurity and proſperity, ſhould be done away. He again maintained his conſiſtency, by wiſhing for a temperate reform, though not at the preſent time, and concluded by giving his hearty ſupport to the proclamation and addreſs, as neceſſary and wiſe meaſures.

Lord HAY approved of the proclamation, though he had not the good fortune to agree in approving the general conduct and meaſures of Adminiſtration. They would have been guilty of neglect, had they not taken this ſtep, not only when ſuch publications were circulated, but when ſocieties met, and daringly avowed and recommended to the people, principles ſubverſive of all regular and eſtabliſhed Government.

The Earl of SUFFOLK ſupported the proclamation as neceſſary and proper.

The Duke of PORTLAND ſaid, that he muſt always feel hurt on any occaſion where he found himſelf obliged to differ from thoſe whom he generally had the happineſs and honour to act with, and with whom, on account of their great talents and many virtues in public and private life, he truſted he would long continue to be connected in bonds of the ſtricteſt harmony and friendſhip. Having premiſed this, it became him to ſtate his reaſons for approving of the proclamation, and giving his aſſent to the addreſs. He approved of it, not as calculated to ſow diſtruſt and diviſion among thoſe with whom he had the honour of acting on public affairs, but at a time when many ſpeculative doctrines were abroad, as calling on men to be on their guard againſt being inconſiderately carried away by a ſpirit which no man revered, or wiſhed to cheriſh, more than he—the ſpirit of liberty.

Earl SPENCER thought the proclamation a neceſſary meaſure, and being a profeſſed admirer of the conſtitution, conſidered every attempt to innovate upon it as dangerous, for he was ſure that no conſtitution could be framed ſo well calculated to preſerve to us that happineſs, and thoſe ineſtimable bleſſings which we at preſent enjoy.

The Marquis TOWNSHEND ſaid, My Lords, it is my cuſtom to detain your Lordſhips but a ſhort time; and the pre-

ſent ſubject, I conceive, will admit of it; for I do not think I ever knew of more abſurdity than the preſent doctrines contain, which have produced ſuch alarm, and which have occaſioned this proclamation. They defeat themſelves; and when we conſider that they are renounced by that body called the Whig Club, (of which, though I am no member, I hope I may aſſert, from principle and conduct, an hereditary claim) and when I reflect, that even from the latter ſociety, ſome of the moſt diſtinguiſhed characters for conſtitutional principles and property have differed, there is a diſunion on this tremendous ſubject, which muſt defeat the bad conſequences apprehended; but, my Lords, I will juſt animadvert ſhortly on what we conſider as the moſt captivating part of the intended reform—annual Parliaments, and that every individal is to have a right in the election of repreſentatives. The propounders have not reflected upon the time which the deciding conteſted elections requires; it is now three years of this Parliament, and they are not determined. This impracticability is the principal argument for ſeptennial Parliaments; and if the additional number of voters propoſed was to take place by this improvement of the conſtitution, an annual Parliament, we ſhould have no Parliament at all, but a democratic Government in the ſtreets. But let us advert to what the preſent freeholders, farmers, and induſtrious manufacturers, who have acquired by induſtry this conſtitutional privilege, would think, by being equalized with the loweſt claſs of the community, many of whom, though they can neither write nor read, are yet to diſcern the qualifications of their repreſentatives. Another mode of reform, is a diviſion of the large farms into ſmall ones, and reſtoring them to their original ſtate of poverty; of courſe, as we know that the improvement of land is produced by a ſyſtem of alternate cultivation and manure, this is to render things cheaper. In this caſe, the leaſes with the farmers are to be broke, and they are to be reduced to huſbandmen. The laſt capital abſurdity which muſt ſtrike every body, is an equalizing of property, by which all emulation, and every motive to induſtry or education is ſuppreſſed. I will dwell no longer on this ſubject, but only repeat that theſe abſurdities being, as I ſaid, renounced by the reſpectable Members of the aſſociated reform, I could only have wiſhed (as I am far from thinking

but that some parts of the superstructure of this excellent constitution might be improved, though I by no means wish to tamper with its foundation) that gentlemen of this society, respectable for their talents, property, and independence, had brought forward for the public consideration its defects, and the remedies they proposed, instead of inviting the discussion at large of every indigent, illiterate, and discontented mind, the prey of ambition, or political enthusiasm, from whose influence nothing can be expected but such a scene as now prevails in a late rival nation. Reform has had its advocates also from persons in high offices here, and at a proper season and hour of tranquillity and deliberation, may be highly beneficial. There is but one article of the present propositions of reformation, which has any claim, in my opinion, to our respect; that is, the complaints of the dissipation and bad example of the higher ranks, whose extravagance and abuse of the Sabbath, by festivities and gambling, I must agree, however I may offend thereby, that such examples, whilst we execute the laws upon our inferiors for tippling on a Sunday in an alehouse, must be provoking to them, and detrimental to the community, and I wish it were noticed in the proclamation. If this proclamation be intended to warn the promoters of confusion against the consequences which may follow, it has my concurrence; for, after the mischiefs to be expected from this tumultuous mode of reform, it is but right its promoters should know that they are not to expect the same lenity. I must observe upon this proclamation, that His Majesty requires all Chief Magistrates, Sheriffs, and Justices of the Peace, to suppress all riots and tumults attempted to be raised on any pretext whatever. Now, my Lords, it is with some satisfaction I hear that they are to have the power to call in aid the military force, if the emergency requires it. The *posse comitatus* was the original and constitutional resource on these occasions, but that neither is what it was, nor what it ought to be; if the High Sheriff, or Magistrate, with five or ten constables, cannot repel a number of insurgents, or perhaps he may procure some more aid, but nothing adequate to those extensive riots which happen in large manufacturing towns, he may act, but the consequence may be, the destruction of his house, and perhaps family, as well as the devastation of what he attempts to protect, before he

can be supported by the military, if he is to send to Government for it—two or three days lapse, during which the plunder takes place, and on the arrival of the troops the rioters disperse, frequently with impunity, or at most not above two or three of the culprits are executed; whereas, on the contrary, if the Magistrate is authorised to send for the troops immediately, he has only to place himself in front, with the civil officers, and read the proclamation, whilst the military may surround the most audacious, and act as the necessity requires. I am happy to be informed, my Lords, that at this period, when so much is required from the Magistrates, that this essential support is given, upon their making the application, and stating, under their hands, the situation and emergency. The late havock at Birmingham, and, above all, the disgraceful and tremendous situation of the metropolis, when the property and lives of the citizens, and the honour of both Houses of Parliament, was at the mercy of the rabble, will never be forgotten; when the Guards were encamped in one Park for the protection of the Palace, and your Militia in the other for that of the Capital.

The Earl of ABINGDON said, he would support the proclamation, because he thought it was right, and could not be attended with any bad consequences. He gave notice of some motion which he meant to make next session, relative to reform, though not in the way proposed by the Association.

The Marquis of LANSDOWN said, he was astonished at the perusal of the proclamation, and expected to hear some reasons assigned for a measure so unprecedented. He did expect to hear it alledged that Magistrates had been found culpably negligent of their duty, and that the Ministers had taken measures to punish them for their neglect—or that the municipal power of the country was so much decayed, that time and the progressive change of all human things had rendered it inefficient, and that a substantial remedy was intended to be applied. Something of this sort he expected to hear; but no such reason was assigned for it in the first instance—no such measure was suggested to follow it up. To trust the peace of the country and the suppression of riots in all cases to military aid, was neiteer wise nor dignified. The army was a fit and worthy instrument of defence, when we were all united against a com-

mon enemy; but in internal difturbances it was both danger-ous and infufficient. It was dangerous, becaufe where the people were tainted with a fpirit of infurrection, what fecurity had they that the military might not be fo too? Where they were greatly divided in opinion, who could anfwer for the conduct of the army, or even promife what fide it would take? It was infufficient, becaufe it never could be fo numerous as to cover all parts of the country at once, and while it was em-ployed to quell a riot in one extremity of the kingdom, the fame fpirit of infurrection might break out in another. To keep men dependant on a military force for the protection of their lives and properties, was a daftardly expedient. It was impoffible to fay to what an abject fituation men might be re-duced if kept unarmed, if accuftomed always to look to others, for that which they ought to be enabled to do for themfelves. He fhould therefore have expected that when apprehenfions of popular difturbances were fo alarmingly ftated, wholefome municipal conftitutions would have been given to Birmingham, Manchefter, and other populous towns—not fuch conftitutions as the new Police bill was to eftablifh for Weftminfter—God forbid—but fuch conftitutions as would enable thofe who had property, who had an intereft in the public peace, to defend it, under proper authority, againft all who wifhed to plunder the one, or difturb the other. This was no doctrine of wild democracy—it was a doctrine fet forth by an ariftocratic au-thor, M. D'Argenfon, in a book which, to his furprize, did not appear to have been tranflated into our language. The author, who had an employment in the police of Paris, and might therefore be fuppofed to have fome knowledge of the fubject, recommended this mode of maintaining the public peace. He was aftonifhed at the mixed motives and conftruc-tive danger on which their Lordfhips were called upon to ap-prove of the proclamation—much more at finding it fuppofed to glance at an Affociation lately inftituted for the purpofe of reform. The principles of that Affociation had been fupported and enforced by Members of the prefent Cabinet. One of the moft diftinguifhed Members of the Cabinet had called upon him to run the rifk of facrificing the adminiftration of which he had the honour to make a part, to the fupport of thofe very principles of reform. To thofe principles he verily believed

that administration had fallen a sacrifice. And he had too high an opinion of the person to whom he alluded (Mr. Pitt), too strong a sense of his honour, and proud adherence to consistency, to believe, that he could approve of any measure that tended to throw discredit on principles which he himself had once professed! The motive which then induced that right honourable gentleman, with whom he heartily concurred, to stand forward as the advocate of reform, was, the increased and increasing influence of the Crown. Did not that influence still exist? Was it not greatly increased? Was it not augmented by pensions in Ireland, by pensions in Scotland, by additions to the civil list, by separate provisions for the branches of the Royal Family. He was far from blaming those provisions. They were an expence to which the country would always contribute with pleasure, and with pride. Nor would he say of the civil list, as was said of the navy in the reign of Charles II. "that it was an excellent wooden leg to go a "begging with to Parliament." But not only was the influence of the Crown increased in these respects to the amount of near half a million annually, but an immense addition was made to it by the whole civil and military patronage of India, that patronage itself, increased by the commutation act, and other regulations much more certain in their operation to this effect than to the benefit of the country. What then had occurred to give them confidence? That Parliament, in its present state, was in no danger from this increased influence of the Crown? Had the transactions of 1784 given any ground for such confidence? Had the late armament against Russia laid a basis for it? On that occasion it was universally admitted, and even argued in defence of the Ministers of the Crown, that they had been compelled to abandon a measure in deference to the known sense of the people, after receiving every encouragement to persevere in it that Parliament could give. Here then was a very recent instance of Parliament speaking a language directly contrary to that of the people, the strongest argument for the necessity of reform, and where was the reason for abandoning it? The times, it was said, were unseasonable. What more unseasonable than when it was formerly agitated, when Ireland was armed, and almost in a state of insurrection? He remarked on the danger of men renouncing

their principles; that Lord Bath, from being the greateſt, had become, from this cauſe alone, almoſt the leaſt conſiderable man in the kingdom; that from a regard to conſiſtency, Lord Chatham had been obliged to go on with the German war, after he diſapproved of it, and concluded, that the preſent Miniſter, with all his coolneſs, and with all his prudence, could not get rid of that for which he was once ſo ſtrenuouſly an advocate, by pleading that the time was unſeaſonable. No, he muſt feel, if he valued his reputation, that he muſt continue to promote it, as he himſelf felt that he muſt ſupport him in it. To impute improper motives to thoſe who had now embarked in the ſame cauſe was ungenerous and uncandid. He had little knowledge of any of them but one (Mr. Grey) the ſon of an old and much reſpected friend; and him he knew to have an hereditary claim to honour and integrity, to every virtue that entitled a man to ſolicit the confidence of his fellow-citizens. It was cruel in thoſe who had themſelves ſupported the very ſame principles, to claſs ſuch men with thoſe who wiſhed to overturn the conſtitution. It was ſaid that there was no knowing where the reformers would ſtop, that if they obtained a moderate reform, they would contend for a reform indefinite, and inconſiſtent with the principles of the conſtitution. Was this a decent mode of arguing? If he was indebted to a man in 100l. would it be proper to ſay when aſked for it, "I will "not pay you this 100l. becauſe if I do you will aſk me for "another; and there is no knowing where your demands will "end." Surely the proper way would be to pay firſt what was due, and reſiſt with firmneſs the demand of what was not. This he underſtood to be the principle of the Aſſociation, for they ſaid that when a moderate reform was obtained they would make a ſtand againſt all farther demands. For that declaration he thanked them, and heartily concurred with them in it. A noble Duke had adverted to a former declaration of his on reviving the negative of the Crown. He was not diſpoſed to ſhrink from any thing he had ſaid on that ſubject. His meaning was, that the other branches of the Legiſlature being reſtored to what they ought to be, he ſhould think it neceſſary to reſtore the negative of the Crown. Even as things now were he ſhould adviſe the direct and open exerciſe of that negative, for which they who adviſed it would be reſponſible in prefer-

ence to the indirect, unavowed exertion of influence, to which no responsibility could be attached. He should have thought it much more becoming the dignity of the Crown, and the purity of the constitution, to have put a stop to the India bill, by a direct negative, than by such means as were pretty well known to have been employed to get rid of it. If any attempt should every be made to overturn the constitution, of which so many fears were felt or affected, he was convinced that a noble, and almost unanimous concurrence of the people in its defence would effectually defeat such a wild attempt. He complimented Lord Lauderdale on his speech, with which he said, he agreed in almost every point. He observed on the dignity which the House derived from the presence of so many branches of the Royal Family, and the importance of their support, to any administration, or to any public measure; but added, that if they should set themselves in opposition to public opinion, that opinion would be asserted with greater ardour, and insisted on with more perseverance on that very account. In like manner, if the aristocracy should join themselves with the Crown against the people, the latter would only be more forcibly led to unite in asserting their own rights. He could not help noticing the contradictions that had occurred in the debate.—Some noble Lords said, the people were so happy that it was idle to talk to them of reform; others that they were so discontented, that however wise reform might be at other times, it was now pregnant mith danger. Some said that they would agree with the majority of the people whenever they should apply for a reform, or even an alteration of their government; and others that they would resist innovation in whatever shape it might appear. They could not all be right, and only shewed that they had paid more attention to their conclusion than to their arguments. A noble Duke had talked of French emissaries employed to introduce anarchy into this country, and expressed his belief that Mr. Paine was paid for that purpose. If the noble Duke knew of any such persons, it was his duty to have them apprehended and punished; he would not surely wish to asperse a man who was said to be already under prosecution. Let the law be enforced against all such persons, if any such there were; but don't let their Lordships bring vague charges against the French, who had difficulties enow to struggle

3

with already. He trufted he fhould never fee anarchy, or any thing like anarchy, introduced into this country; as little did he wifh to fee it engaged in feconding the combination of Kings againft fubjects, the power of arms againft the progrefs of reafon. On this fubject he had never been without his apprehenfions fince our interference in the affairs of Holland. It was wife and meritorious to prevent that country from becoming the dependant of France; but when he looked at the fort of interference employed for that purpofe, his mind recoiled from the view, while he approved of the end, he could not but condemn the means. In fuch an interference in the internal affairs of any country, he hoped this nation would never more be concerned. Let us be content with the profperity which was pouring faft upon us, from the diftreffes and confufion of other countries; let us not feek to augment it, by indirect means. If feditious writings were diffeminating among the people, in God's name let them be profecuted. We had got, in the opinion of a noble Lord, all doubts removed on the law of libels, he wifhed he could fay as much, and that the bill to that effect were fairly through the Committee, and the Houfe, as unmutilated as it ought to be. But at all events, let the law have its fair and unbiaffed courfe. Let them not, by proclamations and addreffes, brand writings as feditious, on which no fuch judgement had been pronounced. Let them not do that for which a perfon had been lately convicted and imprifoned. Let them not attempt to prejudice the minds of juries, and prevent them from giving fuch decifions, as their plain and impartial underftanding of any paper laid before them, as libellous or feditious, would dictate. Of the proclamation he difapproved entirely. It was not calculated to intimidate, but to provoke, not to quiet but to alarm; to irritate if there was a viper in the country; if a toad, to call it forth.

Lord GRENVILLE faid, it was his duty to fpeak, and he thought it the duty of every noble Lord in that Houfe to deliver his fentiments upon fo important a fubject. He undertook to fupport the occafion, object, and tendency of the proclamation, but before he proceeded, he complimented highly the noble Marquis on the manner in which he opened the debate, and when added to this, he could draw their attention to that fort of countenance, which the motion had met with from

an illuſtrious perſonnage, he ought to apologiſe for ſpeaking at all; ſuch a teſtimony of attachment and zeal for the conſtitution of this country, and the proſperity of the people, muſt warm the breaſt of every Engliſhman who heard it, and was the ſtrongeſt aſſurance and ſatisfaction to the people at large, that they might long expect a continuance of that proſperity, and thoſe eſſential bleſſings, which they have enjoyed ſince the acceſſion of that illuſtrious family to the Throne of England. He thought the Houſe might be called almoſt unanimous on the queſtion, and that the conduct of thoſe, who, though not in the way of agreeing generally with the meaſures of the preſent adminiſtration, came forward with their approbation and advice, did them the higheſt honour, and deſerved the thanks of the country. He ſaid, on the very face of the proclamation it was evident what occaſioned it; for it mentioned that ſeditious writings, &c. had been induſtriouſly circulated among all ranks of people, and from the ſtyle in which they are written, are not ſo much an appeal to their judgement as to their paſſions, and have a tendency to irritate and enflame their minds. If it was aſked, whether the proclamation was iſſued upon that contemptible, trivial, and libellous work of Paine's, he would anſwer—No; for he thought it the moſt deficient and fooliſh publication that could be printed; but there were many others in circulation, and thoſe were followed up by ſocieties and meetings avowedly inculcating their principles, which are nothing ſhort of a total ſubverſion of every known and wiſe ſyſtem of Government: they had not even ſtopped here, but had diſſeminated their ſeditious purpoſes, by attempts to excite by hand-bills, mutiny and diſorder amongſt the army and navy; when they had come to this pitch, would any man ſay that Miniſters ought to remain inactive, or that it was unneceſſary for the executive Government to interfere? certainly not; the danger might eaſily be averted in the beginning, but would prove great and ſerious if neglected.

There was one point more to be noticed concerning thoſe proceedings, and that was, their correſponding with foreign countries, which, in his opinion, aggravated the crime. He did not wiſh to introduce the French revolution into the debate; but he freely gave his opinion, that no profit could be derived to this country from any interference in the affairs of

France. He mentioned, that as far as he was concerned in advising the proclamation, he would contend for the wisdom and necessity of the measure, and highly proper to come from the King, as father of his people; and this he thought was sufficient to vindicate the measure from the aspersion of its being a party trick to disunite friends who were generally the opposers of Administration. If the question was asked, whether it was meant against the Association of which a noble Lord was a member, he would answer, it was not; for he had not seen in any of their writings or declarations yet, any thing that could come under the description mentioned in the proclamation; at the same time he must say, that however proper their motives might be, their conduct had a dangerous effect, by giving boldness and encouragement to others not so well disposed, who, under the sanction of agreeing with them, had purposes of a very different nature in contemplation. He then replied to what had been said respecting the inconsistency of his friends on the subject of reform. The noble Duke had fairly defended himself, but his honourable friend had been attacked in his absence; and here he went into a defence of Mr. Pitt's consistency, similar to that which had been employed by the Duke of Richmond; they were both pledged to a temperate reform, when the time came that it could be effected with safety to this country, which this was not. He then dwelt for some time upon the contents of a paper which had been circulated about Yarmouth, and over the county of Norfolk, holding out to the labourers and manufacturers, that if a reform in Parliament was effected, their taxes would be taken off, and their wages and price of labour raised; and if these were not alarming publications to be dispersed in a manufacturing town, he did not know what were. These reformers likewise indulged themselves with the hopes of introducing an Agrarian law, by dividing the land equally. He by no means ascribed these doctrines to the Association, but knew they were propagated by people who pretended to have the same object in view; and he owned he had entertained fears of this sort from the first notice of the Association that was given. He said, the proclamation was certainly for one purpose for which many had blamed it; it was intended to excite alarms amongst the people, and to caution them against receiving such doctrines, as well as to put

Magiſtrates, and thoſe in authority, in mind to do their duty. It recommended very properly confidence in Parliament, and calling upon Magiſtrates to aſſert the executive Government, with information that there was nothing in that duty which ought to draw upon them the opprobrious names of informers and ſpies; if any thing could render the ſyſtem of eſpionnage neceſſary, it would be the doctrines of thoſe who oppoſed the proclamation. Upon theſe, and a variety of other grounds, which he recapitulated at great length, he oppoſed the amendment, and was for the original addreſs.

Lord RAWDON felt it his duty to deliver his opinion on the preſent queſtion, but in ſo doing, he truſted that he ſhould not find it neceſſary to detain their Lordſhips very long, as the ſubject had, in his opinion, received an ample diſcuſſion. His Lordſhip thought the queſtion ought to be argued on its own grounds, without any reſpect to what opinions might have been entertained on it by individuals, however high their authority. He went into a ſhort hiſtory of the origin of parliamentary repreſentation, in which his Lordſhip evinced an intimate knowledge of the hiſtory of this country; the object of this detail was, to ſhew that this repreſentation was obtained by aſſociation; but he begged leave, at the ſame time, to call the attention of their Lordſhips to the circumſtances under which the Barons united on that occaſion; in all queſtions of this nature, times and circumſtances were to be weighed and compared with wiſdom and moderation; under this impreſſion, and on a due compariſon of circumſtances, he found himſelf authoriſed to vote for the addreſs; it was a ſenſible ſaying of an Iriſh Judge, called in thoſe days a Brehon, when he was conſulted on a change in the oral laws of that country, that it was better to leave the people in poſſeſſion of thoſe laws, with which they were acquainted, than to introduce thoſe with which they might perhaps never be acquainted.

He did not doubt but ſeveral ſober-minded perſons might have been induced to think leſs lightly of the ſtate of repreſentation from the circumſtance of the Ruſſian war; but notwithſtanding he was averſe to that propoſition, particularly on the ground of that queſtion of blind confidence with which it was carried, he would candidly confeſs that it ought not to have all

that weight in an argument of the nature the Houfe was then called upon to difcufs.

He did not think that a reform in Parliament, if ever obtained without any dangerous confeqences, would have all the good effect that was held out as the neceffary confequence of it. He conceived, if any ftep was neceffary, that it fhould be fomething that would lead to a greater attention in Parliament to the voice of the people out of doors—for he was firmly of opinion that the fentiments of people duly collected ought to have their due weight in that Houfe and elfewhere.

His Lordfhip was of opinion, that the beft mode of counteracting any writings againft the conftitution would be to publifh to the fubject at large the confiftency and excellence of that conftitution, and at the fame time to convince the people of that excellence by the pureft adminiftration: as long as thofe good effects fhould be felt, all thofe writings would lofe their effects, the poifon of the theories which they held out would meet with a fuccefsful antidote in the practice of the Adminiftration. It fhould be the practice of executive Government to convince the people, that their intereft and that of the Public were infeparable; that it was not for the fole benefit of the firft Magiftrate, that limited monarchy was inftituted; but that the chief end of the inftitution was for the public benefit. When a melancholy event rendered the agitation of this queftion neceffary, he had preffed this argument with much earneftnefs to their Lordfhips; he warned them to take care, left, that by attempting to cripple the prerogatives of the Crown, they fhould not hold out an infinuation to the people, that the office of firft Magiftrate was inftituted folely, or in a very confiderable degree, for the advantage of that firft Magiftrate; his Lordfhip adverted to the conftitutional language, which their Lordfhips had the pleafure of hearing fall that night from the lips of an illuftrious perfon (the Prince of Wales); he thought that language muft give a very confiderable degree of fatisfaction to every perfon who was well affected to our prefent happy form of Government. Several perfons had figned their names to the Affociation, who were connected with that illuftrious perfonage juft alluded to; this was an additional proof of the freedom with which they acted under that connection, which might be fuppofed to influence their conduct.

A noble Marquis (Lanſdowne), had ſtated, that by an union of opinion, in ſupport of the addreſs, it might ſeem to the Public, that that Houſe ſupported it as an ariſtocratic body, but he could not bring himſelf to be of that opinion. He did not ſee how they could be called an ariſtocratic body on that account, in the general acceptation of the word ariſtocracy.--- He knew of no pre-eminence the Members of that Houſe claimed over their fellow-ſubjects, unleſs it was in the diſcharge of their duty.

He hoped that the Members of the Aſſociation would withdraw themſelves, when they reflected on the conſequences; it could not be any manner of reproach to them; the principles on which they had united were ſuch as moderate men might ſubſcribe to, if the limits could be aſcertained with certainty, but this was more than the Aſſociation could do; nay, they did not themſelves pretend to it; they profeſſed to follow, not to force the public opinion, conſequently they could not ſay, with any degree of moral certainty, how far, conſiſtently with their own reſolutions, that public opinion would lead them. At preſent, he was certain it would not lead them far; he thought they ought to ſtop, when they knew where to ſtop, with credit to themſelves, and with ſafety to the public tranquillity.

Lord PORCHESTER ſaid, he muſt differ in this queſtion from his noble friend (the Earl of Lauderdale): the proclamation did not at all refer to him, nor to thoſe with whom he was connected. His noble friend thought there was no danger.— He could not help being of a very different opinion. If ſuch opinions as had been lately propagated in this country had been productive of ſo much anarchy and confuſion, and of ſo much miſery and diſtreſs in a neighbouring kingdom, which the inhabitants of Britain had beheld with horror and concern, how could any man prove that the ſame opinions might not produce the ſame effects in this country? It was impoſſible. He believed the good ſenſe of the people of this country would prevent them from ever going to very great lengths. But when once the paſſions of men were excited, and a ſpirit of reform had once fairly taken place, who could ſay to the waves of the ſea, " Hitherto ſhalt thou go and no farther." He knew of no ſuch power in this country, and therefore it was extremely

material that every man in the kingdom ſhould be put upon his guard.

Lord STORMONT ſaid, if he had ſpoke earlier in the debate, he might have gone into ſome of the topics which had been more ably handled by the honourable Secretary of State, but which he had the vanity to ſay had occurred to him.

He ſhould not touch on any of theſe particulars, and ſhould detain the Houſe but a few minutes. It had been ſtated, that there was nothing in the preſent ſtate of the country to alarm any perſons but hungry courtiers and thoſe who lived on the plunder of the people. This, his Lordſhip completely refuted, and ſhewed, in the cleareſt and moſt diſtinct manner, that not only hungry courtiers, but every man of property, and every man who had any thing to loſe, was anxious to preſerve our conſtitution, under which we enjoyed ſo many bleſſings, rather than to run any riſk, by venturing on a reform ſuggeſted by wild theories and ſpeculations. His Lordſhip concluded with declaring, that he decidedly and clearly approved of the addreſs.

Lord KING adverted to the riots in the year 1780, and ſaid that the noble Lord (Lauderdale) muſt feel himſelf very much hurt by this circumſtance.

The Earl of LAUDERDALE explained, and ſaid he did not feel himſelf hurt. That nothing that had been advanced that night, touched upon any argument that he, or thoſe who were connected with him, had brought forward. His reaſon for riſing was to reply to the Duke of Richmond, who had not ſaid one word that tended to clear himſelf or Mr. Pitt from the charge of inconſiſtency which he had eſtabliſhed againſt them.

Lord Lauderdale's amendment was negatived without a diviſion. The original motion was then put and carried.

Proteſt againſt the Addreſs of the Houſe of Lords to His Majeſty, on the Proclamation.

Becauſe I think the honour and dignity of Parliament trifled with, by a ſolemn call, without any adequate cauſe, and upon ſlight pretences, to make unneceſſary profeſſions of attachment to the conſtitution, and of zeal for His Majeſty's Government, and to concur in applauding His Majeſty's Miniſters for adviſ-

ing this extraordinary meaſure of a Royal proclamation, and a recurrence to the authority of Parliament; a meaſure not called for, and which appears to me much more calculated to awake cauſeleſs apprehenſions, and excite unneceſſary alarm among a people affectionate to the King, and obedient to the laws, than to anſwer any of thoſe ſalutary purpoſes for which alone Miniſters ſhould preſume to uſe the Royal name and authority.

Becauſe thoſe writings which His Majeſty's Miniſters now conſider as likely to diſturb the public peace, and excite dangerous tumults, and of which the proſecution is, on a ſudden, deemed by them indiſpenſable to the preſervation of order, and the ſecurity of Government, have been permitted for a conſiderable time paſt to be openly, and, as is aſſerted, induſtriouſly diſſeminated through every part of the kingdom; and, therefore, if the principles thus propagated be ſo ſubverſive of all order, and deſtructive of all Government, and are at the ſame time ſo unfortunately calculated to make a rapid, alarming and fatal progreſs in the minds of a peaceable and enlightened people, as Miniſters have, in debate, maintained, it would well become the care and wiſdom of Parliament, inſtead of committing its authority in the meaſures of executive Government, and taking part in the ordinary execution of the laws, to inquire why ſo important a diſcovery was not made at an earlier period, and why the Miniſters have ſo long permitted the ſalutary terrors of the law to ſleep over offences, the proſecution of which ſo highly imported the public ſafety.

Becauſe, if it be expedient to puniſh the authors and publiſhers of ſeditious writings, I think it the province of the executive Government to determine upon that expediency, and to put the law in motion; and I cannot but conſider as pernicious in its example, and unconſtitutional in its principle, the preſent attempt made by the Miniſters to ſhelter themſelves, juſtify their conduct, and cover what, according to their argument, has been their criminal negligence, by a meaſure of Parliament. I believe the laws to be ſufficiently efficacious for the puniſhments of ſuch offenders as are deſcribed in the Royal proclamation, and I ſee no reaſon why Parliament ſhould take from His Majeſty's Miniſters any part of the reſponſibility which appertains to their ſtations, of adviſing the Crown, and directing its Law Officers as to the fit ſeaſons and proper occa-

sions on which any of the law, for preserving the public peace should be enforced ; nor can I observe, without expressing my marked disapprobation, that the confidence which the Public still place in the wisdom and integrity of Parliament, notwithstanding all the attempts made by the present Ministers to destroy it, is insidiously laid hold of by them to create public prejudice, and excite public indignation against those who are represened as obnoxious to the laws, and objects of prosecution. A sense of justice might have taught the Ministers, that to fair and impartial trials, uninfluenced by any previous declaration, unprejudiced by any previous interference of Parliament, even the authors and publishers of those writings that have at last awakened the attention of Ministers, are entitled ; and a sense of decorum should have restrained them from lessening the dignity, and committing the honour of Parliament, by making it, indirectly indeed, but, to the common sense of mankind, obviously, a party in public prosecutions, which Parliament is thus made to sanction and direct, and on which this House, in the highest and last resort, may have to sit in the impartial and uninterested, but awful, character of Judges.

Because, in this measure by which Ministers in effect confess and record their past inattention to the dangers which they now deprecate, and their present inability to discharge the ordinary duties of their station without the extraordinary aid of Parliament, the Public cannot fail to perceive that weakness and inefficiency in His Majesty's Councils, which are more hurtful to the true interests, and more derogatory from the just authority of Government, than any imaginary progress which, with great injustice to a loyal people, Ministers attribute to the principles asserted in the writings of which they complain.

Because, when I consider how long the Ministers have viewed with unconcern the circulation of those opinions, at the consequence of which they now affect to be alarmed, and when I recollect that of all those societies for the purpose of obtaining a reform in the representation of the people, and mentioned in the debate, one only, is of recent origin, I have but too much reason to believe, that under whatever form they have disguised their design, the real object of Ministers has been to subject to suspicion, and distrust the principles, misrepresent the views, and calumniate the intentions of that Association of respectable

persons lately formed for purposes the most virtuous and constitutional, upon principles the most pure and disinterested, to be pursued by means the most legal and peaceful; wielding no weapons but those of truth and reason; using no efforts but those of argument, unsupported by party; appealing only to the sense and judgement of a public deeply interested in the objects of their pursuit, and not presuming to demand any personal credit but what may be derived from their steadiness, consistency, and integrity. This society appears to be the only one which has excited the jealousy of those Ministers from whom justice has extorted an admission in debate, that nothing offensive, or even improper, has proceeded from it. Of those Ministers, some of whom have themselves engaged, but to a much greater extent, and upon much broader principles in the prosecution of the same general objects, the attainment of which they declared not only indispensable, but alone capable of preserving the liberties of the people, and perpetuating the blessings of the constitution; but which objects, with the peaceful possession of power and emolument, they have long neglected and lost sight of, and now, at last, in the face of the Public, in defiance of the most solem engagements, unblushingly abandon. Such are the Ministers who have presumed to use the Royal name and authority to a proclamation, by which insinuating the existence of dangers, of which even some of their most confidential friends have declared their disbelief, they vainly hope to divert the attention of a discerning public from their apostacy from principles, and their dereliction of opinions which paved their way to power, and for which they stood deliberately and repeatedly pledged to a generous, confiding, and, at last, deluded people.

Because, if the objects of that Association thus particularly aimed at by His Majesty's Ministers were not expresly justified by their former principles and professions, as the act itself of associating to pursue those objects is sanctioned by their former conduct and example, I should still see nothing in it to discommend, but much to applaud. A moderate and temperate reform of the abuses of the constitution is due to the people, who being on their part, just to the monarchical and aristocratical branches of the constitution; who commit no invasion of the rights, and seek no abridgement of the powers of either,

are entitled to have their own ſhare in the legiſlation of their country freed from the unjuſt uſurpation of others, and to poſſeſs uninvaded, and to exerciſe uncontroled by the other branches of the Government, thoſe rights, which this happy conſtitution in the matchleſs excellence of its principles has ſolely and excluſively allotted to the people. A reform of ſuch a character and deſcription may leſſen the means and diminiſh the opportunities of corrupting legiſlation both in its ſource and in its progreſs; it may reduce the influence by which unconſtitutional Miniſters preſerve their power, but it will ſave the nation from their profuſion, and perpetuate that conſtitution which all equally profeſs to venerate. Such a reform, I believe, cannot with perfect ſafety be long delayed—the more readily and chearfully thoſe rights which belong only to the people, are reſtored by thoſe who at preſent in too many inſtances poſſeſs and exerciſe them, the more firm and eſtabliſhed will be the preſent happy form of our Government, the more ſafe from riſk and danger will be the juſt prerogatives of the Crown, and the peculiar acknowledged hereditary privileges of this Houſe.

LAUDERDALE.

Friday, 1ſt June.

The order of the day for the Houſe to reſolve itſelf into a Committee on the Libel bill, having been moved and read, the Lord Chancellor left the woolſack, and Lord Cathcart took his ſeat at the table.

The firſt clauſe that follows the preamble having then been read a firſt time,

The LORD CHANCELLOR ſaid, before the clauſe was read a ſecond time, he wiſhed to ſubmit to their Lordſhips the neceſſity of ſo amending the bill, as to make it conformable to what its principle, if any principle it had, pretended to be.—His Lordſhip then contended for the doctrines he had ſtated in the former debate on the ſecond reading of the bill; juſtified the learned Judges for the opinions they had delivered; aſſerted that the bill would go out of the Houſe, a parliamentary condemnation of the opinions and rules of practice which they had entertained and acted upon in purſuance of the example of

their anceſtors, who had for ages entertained and acted upon the ſame; and that the effect of the bill, with reſpect to them, would be the ſending them down to their circuits this ſummer, to put the King's proclamation in force, loaded with the reproach of having miſtaken and miſapplied the law of England with reſpect to libels, and a variety of other analagous points of legal diſpute that came before them.

He next diſcuſſed the diſtinction between the doctrines of law which he had ever been taught to believe to be ſound doctrines, and thoſe inſiſted on by the ſupporters of the bill. He cited precedents from the law book; put the caſe of the trial of an aſſumpſit, as he had done before; and recapitulated the whole of the arguments that had been urged by Lord Kenyon and himſelf in the courſe of the debate. In the mention of the caſe of Owen, he ſaid, Mr. Ford, a lawyer of high character and great ability, had lent himſelf ſo wholly to his client, that he addreſſed the jury in an extraordinary manner, and inſiſting that the fact and certain other points were abſolutely neceſſary to be proved, which every profeſſional man knew were not neceſſary to be proved at all, the jury found a verdict of Not Guilty; on which the Judge aſked, if they did not believe that the fact was proved? when the jury, aſhamed to confeſs that they did not, ſaid, their verdict was Not Guilty, and that verdict they would abide by.

His Lordſhip ſaid, he was unfortunately old enough to remember that trial, though not then at the bar, and he well recollected, that the conduct of Mr. Ford was in Weſtminſter Hall univerſally reprobated. In particular, in a converſation which he had held at the time with Mr. Wilmot, afterwards Chief Juſtice Wilmot, and another Counſel of eminence, they ſhook their heads, and expreſſed ſurpriſe that a man ſo converſant in law as Mr. Ford, ſhould have been led ſo to influence a jury. He termed the arguments that had been advanced in oppoſition to thoſe uſed by himſelf and Lord Kenyon, very extraordinary arguments indeed.

He obſerved upon ſeveral parts of them, and particularly took notice of Lord Loughborough's declaration, That *libel* was an undefined word, not known by the criminal laws as a technical term, and always explained by an inuendo, as ſeditious, falſe, ſcandalous, &c. He was a little ſurpriſed at this, as

Lord Coke had both defined and defcribed it. Libel, according to Lord Coke, was an abridged tranflation from the Latin *libellus famofus*, meaning *fcriptura famofa*, or writing fixing an imputation of a fcurrilous fort upon another man. But even if libel had been a word of art or technical term not mentioned in an indictment or information, that amounted to nothing: as in the cafe of larceny; every man knew what larceny meant, and yet the word larceny never appeared in an indictment.

As the bill ftood at prefent, it was negative merely, and only directed the Judge what he fhould not do; whereas, to make out its principle, it ought either to declare or enact what he fhould do, and not leave him at a lofs as to the duty that was expected at his hands. Their Lordfhips, he infifted, were bound, fince they took upon them to give new powers to juries, to inftruct the Judges how they ought to act; and therefore, on the mere ground of making the bill confiftent, he moved that the words "that the Judge ftate to the jury the le-" gal effect of the record," be inferted in the claufe.

Lord LOUGHBOROUGH faid, he had liftened with the utmoft attention to all that had fallen from the noble and learned Lord, but could find nothing more in his fpeech than a repetition of arguments, references to cafes, &c. which had been ftated, and replies to them at leaft attempted to be given, in the preceding ftage of the bill, when its principle was properly the fubject of difcuffion, and when it had been very fully and at great length debated; excepting a few obfervations on what had fallen from feveral noble Lords who had fpoken in the debate, after the noble and learned Lord on the woolfack had fat down, and from himfelf efpecially.

Having taken the liberty of intruding upon a confiderable portion of their Lordfhips' time in the former debate, and delivering his fentiments very much at large, he could not but regard it as a meafure of great impropriety, confidered as with refpect to himfelf, were he again to enter into a difcuffion of arguments, that not only did not refer to the ftage of the bufinefs in which they then were, but which had been fully difcuffed already. He fhould not therefore fay one word to far the greater part of the noble and learned Lord's fpeech. As to the prefent amendment, the only meaning of the words that

he knew of, was to give back to the Judge that right and authority to direct a jury, and take the framing of their verdict into his own hands, which it was the principle of the bill to take from him. If it meant no more than to introduce a clause, stating that to be the duty of the Judge, which was already the duty of the Judge in all cases to do, viz. to state to the jury what the law was, and to let them apply it to the fact, it was superfluous; because, although, in his opinion, his Lordship said, it had been perfectly unnecessary to enact it, a provision was made for it in the very next clause.

The Lord Chancellor explained, and Lord Loughborough replied.

Lord KENYON said, unfortunately in the late debate he had given offence, where he had not intended the least offence in thought, word, or act, and had received a rebuke from a quarter, whence he, from his habits of life, least of all expected one. He hoped therefore that he should not again fall into a similar error; but he desired to know, how he was to act when such and such cases came before him as a Judge. He stated particular actions, and subjects of civil and criminal litigation.

Earl CAMDEN said, nothing could be more disorderly than to go back to the principle of the bill, and to refer to former debates. It was a practice that ought never to obtain, and he would endeavour to avoid it. He rose merely to express his astonishment at the speech of the noble and learned Lord who sat near the noble Lord who had spoken last (the Lord Chancellor), which had consisted of a variety of arguments, that had been replied to so fully on preceding discussions of the bill.

He must contend, that the jury had an undoubted right to form their verdict themselves according to their consciences, applying the law to the fact; and if it were otherwise, he said, the first principle of the law of England would be defeated and overthrown. If the twelve Judges were to assert the contrary again and again, he declared he would deny it utterly, because every Englishman was to be tried by his country; and who was his country but his twelve Peers, sworn to condemn or acquit according to their consciences? If the case were otherwise, and the opposite doctrine were to obtain, trial by jury

would be a nominal trial, a mere form; for, in fact, the Judge and not the jury would try the man.

He would contend for the truth of this argument to the lateſt hour of his life *manibus pedibuſque*. With regard to the Judge ſtating to the jury what the law was upon each particular caſe, it was his undoubted duty ſo to do; but, having done ſo, the jury were to take both law and fact into their conſideration, and to excerciſe their diſcretion and diſcharge their conſciences. With regard to an action for a libel, the caſe was there ten times ſtronger; for, on an action, damages were laid in the declaration; and how could a jury, as honeſt men, give damages, if they did not take the whole of the caſe into their conſideration? Upon what other principle could they poſſible decide?

As to the doubts ſtarted by the noble and learned Lord who preſided over the Court of King's Bench, his Lordſhip proteſted he had endeavoured to examine the matter deeply and cloſely, and he could not perceive the ſmalleſt difficulty, nor where a Judge could poſſibly meet with any. With reſpect to the amendment propoſed by the noble and learned Lord from the woolſack, it ſtruck him as an attempt indirectly to convert the bill into the very oppoſite of what it was intended to be, and to give Judges a power ten times greater than they had ever yet exerciſed.

The Marquis of LANSDOWNE ſaid, he roſe not to enter into a reviſion of what had been amply debated, and after full diſcuſſion determined by a majority of their Lordſhips, on a former day, nor did he mean to go back to any expreſſions of a perſonal nature that might have fallen in the courſe of a preceding debate. With reſpect to the former, he had little encouragement to do ſo, even if it were regular and orderly, after their Lordſhips had heard the debate, and ſeen two great and eminent law Lords, oppoſed to two other law Lords equally high in profeſſional rank and character, riſe again and again, and declare, that they were ſo perfectly puzzled with the arguments of each other, that they could not comprehend what they meant.

With regard to what a noble and learned Lord had ſaid, at the beginning of his ſpeech, with relation to a rebuke he had received in a former debate; as he had not explained to what

expreſſions he alluded, it was impoſſible for him to gueſs, whether the noble and learned Lord referred to any part of the ſpeech of a noble Earl near him (Lord Stanhope), or to any expreſſions that might have fallen from him. If he alluded to him, he muſt ſay, the noble and learned Lord had miſconceived him moſt groſsly. In what he had ſaid, he had meant nothing perſonal, but had applied his obſervations to the profeſſion and the office of the noble Lord, not to him individually and in his perſonal capacity. He had ſaid nothing warm, till he had been moſt irkſomely interrupted from a quarter, from which he might well ſay his conduct on more than one occaſion (which he could not then go into) well entitled him to a patient hearing. He had ever conſidered the law as a great and reſpectable profeſſion, but as a profeſſion to be looked at with caution and jealouſy, and to be guarded againſt.

As to the amendment propoſed by the noble and learned Lord on the woolſack, it conſiſted, to ſay the leaſt of it, in words of ſuperabundance, and was by no means neceſſary. It was, he ſaid, the practice of Lawyers to multiply words, and to introduce them without apparent preſent occaſion, in order that advantage might be taken of them at a ſubſequent period, and a conſtruction be put upon them which had never been dreamt of at the moment when they were introduced. The words of the amendment, as the noble and learned Lord at the head of His Majeſty's councils had well ſtated, either meant ſomething miſchievous, and contradictory to the principle of the bill, or they meant nothing: if the former, they were inapplicable; if the latter, they were unneceſſary. He ſpoke, his Lordſhip ſaid, as a man of plain ſenſe, and as an unlearned man. That Houſe was a houſe not of Lawyers, but of lay Lords, and was fully competent to comprehend as much of law as was level to a plain underſtanding.

The conſtitution of England, he muſt remind their Lordſhips, required no more from them. Juries alſo, who were to enforce the law, and to acquit or condemn their fellow ſubjects according to law and their conſciences—they were likewiſe unlearned men. He knew it to be the practice of Lawyers to wrap up miſchievous meanings in forms of words; and it was the duty of their Lordſhips, as a branch, and an important branch, of the Legiſlature, to guard againſt it. He

for one stood there as a trustee for the people of England, inasmuch as their rights were implicated in his own: and if ever there should arise a contest between the great Lawyers of that House and the people of England, the people of England should always find him ready to stand up as their advocate, and to defend their rights.

He repeated what he had before asserted, viz. that, in what had fallen from him in a former debate, he meant no personal offence whatever, but directed what he had said solely at the office and profession of the noble and learned Lord; and he concluded his speech with saying, that the liberties of this country depended, however unfashionable the phrase, on an unlearned House of Lords, and an unlearned Judicature.

Lord PORCHESTER argued against the necessity and propriety of the amendment, and contended that it was inapplicable, as it would operate to reverse the principle of the bill.

Earl STANHOPE rose to call the attention of the Committee to the words of the amendment, and, by a reference to the next clause, proved that they were unnecessary. His Lordship also noticed what had fallen from Lord Kenyon; and said, if the noble and learned Lord had alluded to any part of his speech in a former debate, he could only say, he had meant no personal offence; that whenever he heard what he conceived to be an erroneous opinion, he would state the error of that opinion, and do his duty by detecting fallacy wherever he discovered it.

The amendment moved by the Lord Chancellor was rejected.

The LORD CHANCELLOR then wished to know whether the noble and learned Lord would consent to a clause being inserted in this bill to do justice between the Public and defendants prosecuted for libels. This clause was to grant a new trial, it the Court should be dissatisfied with a verdict given for the defendant.

Lord CAMDEN said, "What! after a verdict of acquittal?"

LORD CHANCELLOR. "Yes."

Lord CAMDEN. "No, I thank you."

The bill then passed the Committee.

The House adjourned.

Saturday, 2d June.

As soon as prayers were over, without proceeding to any other business, their Lordships adjourned to go up with the address to His Majesty.

Tuesday, 5th June.

Heard evidence at the bar respecting the slave trade. Witnesses and Counsel being ordered to withdraw,

Lord GRENVILLE observed, that from the present state of the session, it was not probable that this business would be brought to a conclusion. There was nothing more clear, than that their Lordships ought to take the subject up early in the next session, and he trusted that was generally felt. But he should not make any motion on that point now, because it would deprive him of an opportunity of bringing the subject forward this session, if any unforeseen accident should protract it, of which, however, he had not the least idea.

Lord RADNOR observed, that there was a bill upon the table of that House, a bill ready for the Royal assent—a bill for the regulation of law respecting vagrants. One clause in it subjected soldiers and sailors, dismissed from the service, who should be found begging, and who, in certain circumstances, must inevitably do so, to the penalties attached to the character of a vagrant. To obviate this cruelty, he had a bill, which he moved should be read.

This was done, and the bill was ordered to be printed.

Lord GRENVILLE said a few words, which seemed to favour the principle of the bill.

The Earl of LAUDERDALE said he had no objection to the principle of the bill. On the contrary, he thought the Public and that House indebted to the noble Lord for his assiduity and good will; but he doubted whether that House could entertain this measure, without infringing upon its rules and order of regularity. It was a bill not to repeal a known law, not to shew that the House had repented of any step they took,

after they had sent any message to the Commons; it was, in fact, a motion for the repeal of a bill that was not yet completed, that had not received the Royal assent—it was for the repeal of that which was not law.

The Earl of MORTON suggested the possibility of the present bill being so framed, as not to appear to repeal any thing, in which case the difficulty of the point of order would be avoided.

Lord GRENVILLE moved the order of the day on the bill for the farther increase and preservation of timber within the New Forest, in the county of Southampton; and for the sale of rents, and the enfranchisement of copyhold tenements in the said Forests.

Lord PORCHESTER opposed the bill, and entered into its principle and probable tendency, making many forcible observations on each, as well as the clauses of it, which of themselves he regarded as totally at variance with the professed intention of those who framed the bill, and at variance too with the principle of the bill itself. He was very severe on Mr. Rose, and said it was a bill framed purely to serve him. He hinted at the conduct of that gentleman in the Westminster election, at his vast power and influence in the county of Southampton, and the manner in which he made use of them both. He observed too on the probable effect of this sort of patronage to an individual, who had already a great deal too much. An individual, who held places of such emolument, one of which was clerk at the table of that House; but that office was filled in a manner that gave their Lordships no reason to regret the absence of Mr. Rose, Secretary to the Treasury. After taking a comprehensive view of that subject, and dissenting from the bill in all its provisions, as well as the general principle of it, he concluded with moving, by way of amendment, "That "the farther consideration of the bill be postponed until this "day three months."

The Earl of CARLISLE also disapproved of the bill, and paid a handsome compliment to Mr. Cooper, who did the duties of the clerk at that table, instead of Mr. Rose the Secretary of the Treasury, who held the office, and received the principal emoluments of it; and for whose interest the bill in question seemed chiefly to be framed. He regarded the present

bill as a measure that could fairly be said to be neither more nor less than a job, under the pretence of providing timber for the Royal Navy, and it was under that impression, that His Majesty had been prevailed on to assent to this measure, but his goodness and paternal affection for his subjects had been abused in this instance. The noble Earl observed, that where honourable gentlemen, or noble Lords high in office, were appointed to any particular place besides that which belonged to their immediate public duty, that place and its offices were neglected. A very recent instance gave proof of this. He meant the appointment of the noble Secretary of State to the Rangership of Hyde Park, a spot which had since been so neglected as, by its appearance, to shock the taste of the elegant company which resorted to it. Quitting all pleasantry, and taking the subject up in the most serious point of view, he saw nothing in this bill that their Lordships ought to encourage for a moment.

Lord CATHCART hinted at the unfairness of attacking the character of Mr. Rose, who had no opportunity of meeting such an attack. His Lordship then defended the principle of the bill, upon the ground of the report of the Commissioners of the Land Revenue in the year 1786, and also upon the necessity of the measure, in elucidation of which, he entered into a history of the growth of timber, and of the application of it to the navy. He concluded with assenting to the bill in the most determined manner, as an object of the greatest national importance.

The Earl of MORTON supported the bill.

Lord RAWDON declared, that the word *job* was the mildest and most tender expression that could be used to describe this bill, which carried with it the greatest of suspicions with respect to its principle; nor were the clauses less exceptionable. Indeed they would of themselves form a principle that would be sufficient to overthrow the bill, even if the avowed object of the bill itself were unexceptionable. He concluded with supporting the amendment of his noble friend.

Lord ELGIN supported the bill.

The LORD CHANCELLOR said, that long before this he was in hopes he should have heard something in favour of the principle of the bill, instead of which he had heard only a

dry recital of the bill itself, and an enumeration of the opinions and resolutions of the Commissioners of the Land Revenue. In his opinion, a great deal of discussion belonged to this subject. It involved in it considerations of great moment and delicacy, affecting the constitution of this country, and especially that part of it which ought to be held in peculiar respect and reverence by that House; and he must say that he was extremely sorry that such a bill, involving such points of importance and delicacy, should be proceeded in in the last week of a session of Parliament, a season in which it was impossible it should meet a full, fair, and a candid discussion upon its principle, or upon its particular provisions; or that there should not be allowed that sort of interval that would enable persons to bring before the House such documents as would be necessary to enable their Lordships to understand the matter that was before them. He was not inclined to treat the reports of the Commissioners of the Land Revenue with levity or disrespect, but he said they had not yet finished their labours. He believed he should not say too much; there was no perfection at present in their work, and therefore he might say, that their Lordships did not yet even know the value of the property over which they were called upon by this bill to exercise a power of disposal. Properly speaking, they knew nothing of the value of the Crown lands, nor any thing of estates which were to be classed under the enfranchisement of copyhold tenements; nor did they know any thing of the rights which might be affected by the present bill. He was sorry that this bill was thus hastened forward; from the general principle, and the affected principle of this bill, a real principle he believed it had not, but he was against the affected principle of this bill. He should avoid the clauses, and confine himself, as near as he could, to the principle, as it was called, of the bill. This supposed principle went to various and to very nice discussions. The ostensible reason for the bill was, a supposed decay of some, and the deficiency of the growth of timber in the Forest, and upon which, it was said, that it was a wise step and a prudent measure to adopt the plan of the present bill, thus calculated for the growth of timber, and upon which he should make a few short observations. The evidence in this case was defective upon the part of the actual decrease of timber; and it was

on ſpeculation that this was to be taken; and we were told that, as a proof of it, the price of timber had been increaſed regularly and progreſſively ſince the year 1756, and by this ſpecies of reaſoning, which, if true, would be worth nothing, the Houſe was to be prevailed upon to adopt the preſent ſyſtem.— They accounted for this advance in the price of timber from the various improvements and increaſe of our commercial intercourſe, and then they built upon it immediately, and laid down plans for the complete execution of their ſchemes, depending on the temper, diſpoſition, and circumſtances of the people, to carry them into effect. He could not help comparing theſe plans to the manifeſto of a great Prince, reſolved on going to war, and to carry ſlaughter and devaſtation to the enemy, but forgetting that the whole of his deſigns depended upon ſomething of more weight that was to follow than thoſe manifeſtos, namely, ſupplies from the people; ſo in this caſe, how did we know that the growth of timber was leſſened, becauſe the price of it was high; and how did we find out that the people would be pleaſed to fall in with our ideas of the mode of growing timber, or that the call for it would always be the ſame, and the difficulty of obtaining always alike? But ſuppoſing the neceſſity of growing timber, as had been expreſſed, then there would have followed the conſideration of the ſtate of the country. In a rich, flouriſhing, populous, cultivated country, timber, as a marketable article, would be dear. In a poor, uncultivated, unpeopled country, it would not be ſo. This was only applicable to the price of timber, and had nothing to do with the plenty or ſcarcity of it.

What was the true principle of the reſt of the bill? It was ſaid to be a bill which was founded on, and formed part of a ſubject which had been under the conſideration of the Commiſſioners of the land revenue. They had, it was ſaid, examined into the Crown lands; they had diſtinguiſhed lands of different tenures, and rights of property and ownerſhip; demiſeable lands, and lands of another nature, ſuch as waſte lands, &c. On theſe points they were ſaid to have given a diſtinct opinion. He doubted whether they underſtood the ſubject ſufficiently to give a diſtinct and a good opinion. He maintained it as a principle that the Crown ſhould have a landed property in this country. It was eſſential to the ſafety of

our constitution that the Sovereign should have his interest blended with, and complicated in the fate of the landed property of the country—it was the best security we could have for his steady attachment to our interests. If, indeed, we wished to regard him as a mere pensioner on the Public, as a person deriving only the interest which he had in receiving a salary, then, indeed, the view of the subject would be different, and the Sovereign would have one interest and the people another, and these in direct opposition to each other. But those who contemplated the spirit of our constitution would think otherwise, and they would see that it was essential that the Sovereign should be intermingled in his interest with the rest of the people, instead of being considered as a person receiving a dry salary, independent of the prosperity and glory, or the adversity and distress of a state. The policy of the bill in question was against the principle, and therefore in his opinion was a very unwise policy. But the whole of the bill was framed from the report of the Commissioners. Supposing it to be so, the bill must be very inconclusive, for the Commissioners themselves had in their reports stated, that they had not yet viewed the whole of the Crown lands. If that was the case, they could not be said to be competent to give good advice upon the subjects, and therefore to follow measures hinted at in such a report, was certainly very imprudent. It was creating a separate interest between him and the state. It was lessening the value of his land, and destroying the principle of his having any title to a landed property in the kingdom—the reverse of this was true policy, for it was essential that the Sovereign should have an interest in the land in this kingdom, nay, he should have the greatest interest in it. He would say that the present bill was a violation of all principle that had ever governed the law of this country, and was part of the constitution itself; and unless their Lordships were prepared to say that the King was an unfit person to hold an inch of land in this kingdom, they could not in conscience pass the present bill. He was very severe on those who had given His Majesty advice upon this bill. He took a view of the forest laws, admitted their imperfection, but maintained that this bill was worse even than their defects. He maintained that if the limited rights of common upon the New Forest were properly

ascertained, the quantity of desirable land, which would vest in the Crown, would be of great value, and was as much the property of His Majesty as the estate of any private gentleman in the kingdom. His Majesty had been imposed on in this business, and if their Lordships, who were the hereditary advisers of the King, thought fit to say, that he was a person unfit to inherit an inch of ground in this kingdom, and that his heirs were all in that situation, the question was at an end. If these things were to be thus disposed, he could not help it. He concluded with observing, that all he said was not for the sake of objecting to the bill, for in that he had no pleasure, but he resisted it because he thought it a precedent which affected very deeply the constitutional situation of the Crown.

Lord GRENVILLE disclaimed all intentions whatever of deluding the Sovereign upon this or any other occasion; he expressed great reverence, affection, and gratitude to the Sovereign, and trusted the House and the Public would give him credit for not having any intentions that were hostile to the prerogatives of the Crown. Having explained this on behalf of himself, and those with whom he acted, he entered on the discussion of the bill, and defended it as a measure of expediency and propriety.

Lord STORMONT answered Lord Grenville's speech with his usual accuracy and eloquence of diction. His Lordship decidedly opposed the bill.

Lord LOUGHBOROUGH, in a forcible and eloquent speech, supported the principles laid down by Lord Porchester and the Lord Chancellor, and made many profound legal observations, and acute legal distinctions.

The House divided on the question, That the bill be now committed;

Contents	-	41
Not contents	-	29

The bill was then ordered to be committed for Thursday.

The House adjourned.

Wednesday, 6th June.

Mr. Hastings, just before the breaking up of the Court at Westminster Hall, requested the attention of their Lordships

to a very few words. The ſubject on which he meant to addreſs them, was of ſo much importance to himſelf, that he could not venture to truſt what he wiſhed to ſay to memory. He had ſet it down in writing, and hoped their Lordſhips would have the patience to hear it read:

"I have already, upon former occaſions, ventured to ſtate to your Lordſhips the hardſhips which I ſuſtained by the unexampled length of this trial, even in the more early periods of it. I mean not now to repeat them, nor will it be neceſſary to ſhew to your Lordſhips, how much they muſt be all aggravated by their ſubſequent extenſion. I merely allude to them for the purpoſe, and for that only, of beſpeaking your pardon for the liberty I now take in praying your Lordſhips to allow me as much time as you can afford during this ſeſſion, to hear the remainder of my defence. I ſhould not ſo anxiouſly preſs this upon your Lordſhips, were I not aſſured that your Lordſhips have no longer any call for your attention to matters of greater importance, if any matter can exceed in its importance the courſe of a criminal trial, protracted to ſuch a length of years as mine has been.

"For my defence on the article now in evidence before your Lordſhips, my Counſel will deſire only to call two more witneſſes, ſelected from the ſurvivors of a much larger number, whom we forbear to call, from a reſpect to your Lordſhips' time, and a conſideration of the uncertainty of my life or theirs enduring to the end of a more complete refutation of the charge which the Commons have preferred againſt me. The examination in chief of theſe witneſſes (for I cannot limit the time of the croſs-examination, or anſwer for that which may be loſt by interruptions) will not take up the compaſs of two, or at moſt three hours.

"Two more articles will then remain. On one only will it be neceſſary to call any parole evidence; and for that only three witneſſes; one, a gentleman of very infirm health, who was ſettled with his family in the South of France, but came to England in the firſt year of this long trial, and has remained here to this time, in yearly expectation of giving his evidence at your Lordſhips' bar.

"Among the gentlemen whom I hope to be allowed to produce in evidence to the articles now under examination, there is one, who having given his attendance through a confiderable part of the first year, when it became evident that he could not be called till the next, informed me that his means of fubfiftence, though not his patience, were exhaufted, and requefted me to difpenfe with his evidence, that he might return to his fervice in India. I, without hefitation, cheerfully confented. That gentleman accordingly went to India, ferved with credit two campaigns under Lord Cornwallis, is again returned to England, and again in attendance to give his evidence in my defence. Your Lordfhips will not be furprifed, if I fhould feel a more than common anxiety not to lofe a witnefs, whom I have recovered in fo fingular a manner from fo many obftacles which threatened to deprive me of the benefit of his teftimony, nor to lofe fo impreffive a memorial of the extraordinary character of this impeachment.

"It is hard, with fo near a profpect of a clofe, to fee it vanifh into darknefs; and another year, or perhaps other years, if I fhould live to fee them, deftined for the continuation of this trial.

"Let me befeech your Lordfhips to recollect, that more than five years are already paft fince I firft appeared at your Lordfhips' bar; and, I am fure, that if any one of the noble Lords, who were then living, and faw me there, had been told, if human wifdom, which is the refult of experience, could have fuggefted fuch a conclufion, that more than five years muft pafs, ere I could obtain a judgement, he would have pronounced it againft the courfe of nature to expect it, and have refented the fuppofition, as an unmerited reflection on the juftice and dignity of this great kingdom.

"In the firft year, which was the year 1788, the Court which your Lordfhips now compofe, fat thirty-five days, generally affembling at twelve o'clock, fometimes earlier, and fitting until five, and occafionally later. This year your Lordfhips have fat, within a week of the fame period of time, only fixteen days, and have feldom been able to open the Court much earlier than two o'clock. I fhould be as ungrateful as unreafonable, if I could infinuate that thefe delays were in any refpect imputable to your Lordfhips: neither is it my wifh to

impute blame to any: it is the effect, and not the cause, of which I complain. Yet, my Lords, if I might be allowed to expostulate with those, whose zeal animating them to exertions and to a perseverance, of which even in that body there are few examples, brought me to the situation in which I now stand, I might plead, and surely without offence, that the rights and interests of the people of this kingdom, and the honour of its Crown, which were the great inducements stated by the Commons of Great Britain, for calling together its highest Court of Judicature to sit in trial upon me, are at least as much concerned in their using the same exertions to promote the course of that trial, and to bring it to an issue.

" My respect forbids me to say more on the subject, nor should I have said so much, but to make it evident to your Lordships that, whatever causes of delay have occurred, or may in future occur, in the course of this trial, if it can be supposed that I would willingly be instrumental to my own wrong, neither have been, nor shall be in any wise imputable to me; in proof of this, I may allude to, but need not specify, the many constitutional, and even personal means, to which I have had recourse to accelerate the progress of the trial, and remove every obstruction to it.

" That I might not again urge a request to your Lordships, which it might not be in your Lordships' power to grant, I have profited by the error which I have been told I committed in the petition which I last year presented to your Lordships, and have addressed an humble petition to His Majesty, praying that he would be graciously pleased to permit your Lordships to continue to sit till the close of the trial.

" I rely with a perfect confidence on His Majesty's gracious disposition to grant my prayer, and in that case, I do assure your Lordships that every possible means shall be used by me, and by the gentlemen whom you have given me for my Counsel, to bring my defence to a speedy conclusion.

" If, which I reluctantly suppose, it shall be deemed unreasonable, or for causes which cannot fall within the scope of my limited comprehension, improper, I do most humbly and earnestly entreat your Lordships, in that case, that you will afford me as many days as may be necessary to bring the present article to a close, and to allow my Counsel to sum up the

evidence, while it is yet recent in your Lordſhips' recollection."

A ſhort converſation took place on the ſubject of the prorogation of Parliament, being the deſire of Earl Stanhope that Mr. Haſtings ſhould have an opportunity of examining a witneſs, who was now in England, of the advantage of whoſe teſtimony he would be deprived, if the Parliament ſhould be prorogued ſpeedily.

The Houſe adjourned.

Thurſday, 7th June.

The order of the day having been moved for the Houſe to reſolve itſelf into a Committee on the New Foreſt bill, the Houſe went into a Committee accordingly.

The preamble having been read,

Lord PORCHESTER roſe to obſerve, that whenever bills, particularly affecting the rights of the Crown and the intereſt of individuals, were introduced into that Houſe, it was uſual to have His Majeſty's conſent ſignified, as well as the conſent of the individuals concerned. He wiſhed, therefore, that the noble Secretary of State, or ſome other perſon, would riſe and inform the Committee, whether the Crown gave its conſent, and in what manner ſuch conſent had been ſignified, and alſo whether the opinions of the ſeveral parties intereſted had been collected, and their conſent alſo obtained? His Lordſhip made ſeveral remarks on the preliminary ſteps that had been taken to inquire into the whole ſtate of the Royal foreſts, and to report on the ſame in two Parliaments.

Lord GRENVILLE declared he had no difficulty in ſaying, that if it were an important omiſſion not to have formally ſignified His Majeſty's conſent upon the preſent bill, that omiſſion was imputable to him; but the reaſon of it was, that it was deemed wholly unneceſſary; the meſſage formerly ſent by His Majeſty, on which the act of Parliament was founded for appointing Commiſſioners to inquire, &c., being conſidered as extending to the preſent bill, and if that ſhould not be deemed ſufficient, it need be no impediment to proceeding with the

bill, as His Majesty's consent in form could be given in a subsequent stage of the bill.

Lord STORMONT said, he rose not then to enter into a discussion of the clauses of the bill, but to exercise a right common to every one of their Lordships, viz. to desire the clerk to read two or more clauses of the former act, which he would point out, in order that the Committee might see whether the foundations of this most extraordinary fabric had been made according to the rules prescribed in those clauses, and whether the rest of the fabric had been constructed as those clauses directed.

The clauses having been read,

Lord GRENVILLE rose again, and said, he had consulted those who should very well know, and who thought His Majesty's formal consent was not necessary. If it was, he well knew that it was the rule in the other House that His Majesty's consent might be given in any stage of a bill, and he believed the same rule obtained in that House likewise.

Lord STORMONT said, it was most irregular to proceed with a bill immediately affecting the rights of the Crown, without having first obtained the consent of the Crown.

Lord GRENVILLE said, no such objection had been taken on the second reading, which was the proper stage to have made it in. His Lordship said, he should be sorry to do any thing that could be derogatory to the rights of the Crown, or appear disrespectful to the Royal person; but that he was not only of opinion himself, but that opinion was confirmed by the judgement of persons of undoubted authority, that His Majesty's former message included the consent of the Crown to the bill then before them.

Lord RAWDON contended, that the special consent of the Crown was necessary, before their Lordships could, with decency, proceed one step with a bill, the object of which was, to sacrifice the rights of the Crown in any degree. His Lordship dwelt on the nature and object of the bill as highly important, and said, that the mind of the Royal person ought not to be subjected to the pressure of hearing, that a measure affecting the rights of the Crown had received the countenance of Parliament before the consent of the Crown was required. The honour and dignity of the Crown were materially interested in

the bill, and their Lordships ought to know, whether it had His Majesty's spontaneous and free consent before they proceeded.

The LORD CHANCELLOR supported the objection, and gave it as his opinion, that according to the regular forms of the House, founded on the wise usage and custom of Parliament, in any bill affecting the rights or interests of the Crown, the House ought not to stir a step without the consent of the Crown, fully and explicitly announced. He thought the bill ought not to have been read a second, without the consent of the Crown having been signified, the objection however had then passed unnoticed; and now they were proceeding another step, and attempting to pass by the objection. He observed, that to have passed by an objection through accident or inadvertency, was one thing; but to pass it by, when the objection was stated, and the irregularity had been remarked, was a case very different. His Lordship animadverted on the clauses of the former bill, which had been read at Lord Stormont's desire, and pointed out their separate and distinct object; the one, he said, gave an authority to three gentlemen, by name, as Commissioners of Inquiry; the other a judicial authority, by which the Court of Exchequer under their Seal, might issue a commission of a much higher nature. His Lordship professed his sincere attachment to the Crown, and his serious regard for its rights and prerogatives of every sort whatever, for which that House, he said, were at all times bound to manifest their respect. But if ever there was a moment, when it was peculiarly necessary to shew the utmost attention and respect for the Crown and all that belonged to it, this was undoubtedly that very moment. His Lordship contended that no consideration of hours, or days, that might be lost before they could proceed regularly, with His Majesty's consent, could weigh in the scale against the mischief of appearing in the smallest degree to relax in the just and necessary attentions due to the Crown.

Lord GRAHAM (Duke of Montrose) said, no one of their Lordships had a greater attachment to the person of His Majesty, and to the rights and prerogatives of the Crown, than he had; but he should not have thought it necessary to make such a declaration, if the noble and learned Lord did not take every

opportunity of ſhewing that he thought he had an excluſive right to a monopoly of declarations of his reſpect for the Crown. With regard to the objection, it could not be made in a Committee, and the not having made it at the ſecond reading of the bill, convinced him that the objection had been purpoſely reſerved for that ſtage, in order to defeat the bill. He adviſed them to go on, and at the third reading, if the conſent of the Crown were neceſſary, he ſaid, it might be made, but he thought it was unneceſſary. He ſpoke of the bill as a meaſure highly ſatisfactory to His Majeſty; and therefore thoſe noble Lords who inſiſted on the objection, would, he ſaid, ſhew their diſreſpect for the Crown, inſtead of their reſpect.

Lord STORMONT roſe to clear himſelf from the imputation of entertaining diſreſpect to the Crown; he did not by any means ſuppoſe any one of their Lordſhips felt the ſmalleſt diſreſpect of that ſort, but he would put that reſpect and reverence, which they all profeſſed, to the teſt, by propoſing to adjourn the Committee during pleaſure, and then the noble Secretary of State, if he had any ſuch authority, might ſignify His Majeſty's conſent to the bill. His Lordſhip moved the queſtion of adjournment accordingly.

Lord GRENVILLE ſaid, in point of reſpect and reverence to the Crown, he would yield to no man, but that profeſſion was beſt fulfilled by doing his duty in that place. His Lordſhip ſaid, he had ſtated, that according to his underſtanding, the King's conſent was already given, but he muſt contend, that neither in that Houſe nor the other, was it by any means uncommon to give that conſent in a future ſtage of the bill, and therefore he ſhould oppoſe the motion of adjournment.

The Duke of CLARENCE ſaid, he had been called away by other buſineſs when the bill was debated on the ſecond reading, but he had ſtayed while the common buſineſs was gone through, and he had not heard any meſſage from the Crown; he concluded therefore, that the conſent of the Crown had not been given, and as their Lordſhips might well conſider him as a ſupporter of the rights of the Crown, he thought they ought not to proceed without the conſent of the Crown to a bill, in which it muſt be acknowledged the rights of the Crown were materially intereſted. For theſe reaſons, he

ſhould concur with the noble Viſcount in his motion of adjournment.

Lord PORCHESTER again entered into the argument that it was neceſſary for the conſent of the Crown to be ſignified previous to their Lordſhips proceeding farther with the bill.—His Lordſhip referred back to the various circumſtances which had attended the ſubject from the period of its having been three years ſince recognized by Parliament, and maintained that His Majeſty not only had not ſignified his conſent, but that it had been impoſſible for him to have made up his judgement upon the ſubject, not having the neceſſary materials before him, to enable him to form a judgement. He ſtated the proviſions and directions contained in the former bill, from which the clauſes had been read, and ſaid thoſe proviſions had not been complied with; no ſuch commiſſion, as the former bill directed under the Seal of the Court of Exchequer, to enable all intereſted in the New Foreſt, to come in and ſtate their claims, having been iſſued. Had that been the caſe, the rights of the ſubject would have been aſcertained by a jury, whereas their rights were, under the preſent bill, to be decided by an arbitrary ſale. They would have known alſo, had ſuch a commiſſion iſſued, what were the real rights of the Crown. They likewiſe had not, his Lordſhip ſaid, all the reports of the Commiſſioners of Inquiry before them, and in thoſe reports which were upon the table, their Lordſhips would find, that the Commiſſioners ſtated and adviſed a mode of proceeding, which would have enabled the Crown to know its rights. Inſtead of adopting this mode, their Lordſhips had a bill before them, formed by he knew not whom; but who in framing it, clearly had not obeyed or followed the directions of the Commiſſioners. Lord Porcheſter concluded with declaring, that His Majeſty had not had proper materials before him, to enable him to form a judgement, and give a ſound and wiſe conſent.

Lord Grenville and Lord Carliſle roſe together, but the former declaring, that what he had to ſay might ſave their Lordſhips time, he was heard firſt.

Lord GRENVILLE then reminded their Lordſhips, that he had already ſtated as the reaſon for not having taken the neceſſary ſteps for obtaining the formal conſent of the Crown,

that he believed it to be altogether unneceſſary. It was not, he ſaid, as far as he knew, the order of Parliament, either in that Houſe or the other, to require the King's conſent to ſuch a bill in one ſtage in preference to another; but as he found that a contrary opinion prevailed in the minds of many noble Lords, and as he did not wiſh to proceed but upon the cleareſt grounds, and ſo as to ſatisfy every noble Lord, that the utmoſt reſpect and deference to the Crown were ſtudiouſly attended to, he would withdraw his oppoſition to the motion of adjournment. Lord Grenville farther explained, that although His Majeſty's Miniſters, in compliance with their ordinary duty, had not preſumed to introduce ſuch a meaſure into Parliament without having communicated it previouſly to His Majeſty, and humbly ſtated it in its fulleſt extent; yet, although it had received the Royal concurrence, he had not any authority formally to ſignify the conſent of the Crown, but he had no doubt that agreeing to the adjournment would occaſion but a very trifling interruption, and therefore, after the noble Viſcount's motion was carried, he ſaid, he would move to adjourn the farther conſideration of the bill to the next day.

The Earl of CARLISLE roſe merely to obſerve, that although the Committee was not the proper ſtage of the bill to receive the notification of the conſent of the Crown, it was peculiarly the fit place for the queſtion to be aſked, whether the Crown had conſented or not? And therefore the queſtion ought to be anſwered, before they proceeded any farther.

Lord STORMONT's motion was agreed to; and then Lord Grenville having moved, that the farther conſideration of the bill be adjourned till this day, it was ordered, and the Houſe immediately adjourned.

Friday, 8th June.

Lord GRENVILLE, after expreſſing his attachment and gratitude to the King for his favours, and ſupporting the obſervations which he made on former occaſions in the progreſs of the preſent bill, ſignified in due form, His Majeſty's conſent to their Lordſhips proceeding in the bill in queſtion, in ſuch manner as to their judgement ſhall ſeem meet and expedient.

Lord GRENVILLE moved the order of the day, which was for submitting the National Debt bill to a Committee of the whole House. Ordered.

Lord CATHCART took the chair.

The Earl of LAUDERDALE said, he was in hopes that he should not have seen this bill after what had already been said upon it. He was in hopes that Ministers would have taken a lesson from experience—would have profited from what they heard in that and the other House, and that particularly they would have given credit to the sentiments expressed by a noble and learned Lord (the Chancellor), whose merit in his public character was soon to be lost to the public; but still in spite of opposition it seemed they persisted in their error. The bill now before the Committee was so bad in its principle, and so mischievous in its tendency, that the more it was debated, the more would its evil nature be manifest; and in that view, perhaps, there might ultimately some advantage be derived to the public from its having been discussed so often. If he could not cast new light upon the subject, he would console himself with the thought that it has often, and may again happen, that what reason cannot effect may be gained by perseverance. He had heard great disputes upon the deference that was due to the opinion of our ancestors. Some were afraid of exercising their own reason if it militated against opinions of antiquity, while others, and he among them, thought, that as mankind advanced in civilization, their minds enlarged, and that therefore we should trust every thing to our own opinions—formed upon experience, and never arrive at any conclusion but upon well-known and established premises—but above all, never by any thing we do to preclude the possibility of judging of future expediency from the combination of future events. The present bill was directly opposite to this principle, and therefore in itself unwise. This mode of legislating for posterity he considered entitled to ridicule and contempt. He wished to know upon what principle Ministers took to themselves such a share of merit, as to be so superior to any defect as to continue the opinion, and obtain the confidence of the present, but also to dictate to future Parliaments the mode in which the affairs of the people of this country shall be managed. If we looked into the journals, we should find but aukward specimens of

their infallibility, which could alone entitle them to all confidence. Nothing was to be ſeen but bills followed up by bills to explain and amend, to alter and improve, to remove doubts, to render more effectual former regulations—In ſhort ſomething very different from a complete ſyſtem of legiſlation.—Even the bill now before the Committee had a good deal of this character. Brought in at the other Houſe, committed, altered, renewed, recommitted, and amended. Sent up to their Lordſhips, altered again. Sent again to the Commons, and now returned. Theſe things he only noticed to prove that our preſent Legiſlators were not arrived at that degree of wiſdom where improvements was impoſſible, and therefore that we were not entirely free from arrogance when we were legiſlating for poſterity. He then took up the tendency of the bill which, he ſaid, would tend to diminiſh public credit. He obſerved, that the Miniſter at the opening of the preſent ſeſſion of Parliament ſtood ſolemnly pledged to reduce the four per cents. if it could be done to the advantage of the Public. That advantage had offered itſelf, and it was neglected, by which the Public loſt upwards of two millions of money. The excuſe was, that there was a probability of gaining more.—This was a bad principle, for it ſhook the baſis of public credit. He did not charge Miniſters with dealing in the funds for their advantage, but he charged them with eſtabliſhing a precedent of ſpeculating in the funds for a ſuppoſed probable benefit, which afterwards changed into a loſs. He objected to this bill upon the ſame ground; it was a bill of ſpeculation, and in that view wrong in principle. It was coming to a concluſion, without means of knowing our premiſes. It was legiſlating in the dark. He objected alſo to this, upon a contingent conſideration. Suppoſe, for inſtance, that in a few hours after this bill ſhall have received the Royal Aſſent, Parliament ſhall be diſſolved—then the whole ſyſtem of the ſinking fund will be at an end. This was an indirect mode of giving the Crown a power to diſpenſe with law. He had a right to ſuppoſe an extreme caſe, becauſe it was poſſible; and if their Lordſhips paſſed this bill, the fact might turn out to be ſo. He ſhould like to hear ſome anſwer to his objection. He moved, that the clauſe which operates as a legiſlation to poſterity, ſhould be omitted.

Lord GRENVILLE obſerved that this bill had already been debated ſo much at large on a former occaſion, that it was unneceſſary for him to enter much at length into the ſubject.— This bill was only an improvement on the million annual ſinking fund bill, that was originally brought in to do what this bill would more effectually do. To prevent the future accumulation of the capital of the debt amounting to ſo high a ſum as to endanger the ſtate by a national bankruptcy. He never heard a perſon yet condemn that ſyſtem, and this was only an improvement on it. This bill would prevent us at any time from purſuing a war to a deſtructive length, by the facility of borrowing money, without providing means for the payment of it. Without ſuch a meaſure, it might be poſſible for this country to go on in a ſtate of intoxicated ſucceſs for a time, to conclude, perhaps, a glorious peace, and yet the whole might ſoon be followed up with a national bankrupty; the country not having means to diſcharge the debt, which ſuch a peace might occaſion. The queſtion then was, whether there was a rational probability that ſuch a ſituation might occur to this country, if that was decided in the affirmative, he truſted the Committee would ſee the propriety of the clauſe in queſtion. The bill did not impoſe that hardſhip on poſterity, which ſome noble Lords ſeemed to apprehend. It did not provide, that at all events all ſurplus ſhould in all caſes be applicable to the reduction of the debt ſolely. That might be governed by other conſiderations, and under various circumſtances of the caſe, as it might from time to time appear expedient. Taxes might, in certain caſes, hereafter be reduced, as they already had been. If the ſyſtem of the annual million for the ſinking fund was wiſe in the firſt inſtance, it was equally wiſe in this. As to the objection of binding poſterity, it was well known no act could be paſſed that would have that effect. All that was here meant was, that hereafter money could not be borrowed without providing for the payment of it immediately, or calling the attention of the Public by a ſolemn repeal of an act of Parliament. As to the obſervation made on the neglect, as it was called, of the Miniſters, in not reducing the four per cents. at the time they were at 96, he could not ſee where the blame was. The loſs was ſtated at near three millions. The truth was, there was no loſs, for it was what the Public never

had the possession of; and had the advantage been taken, it would have been only a temporary advantage, and Ministers would have been blameable for that speculation. The rise in the three per cents. which was in the contemplation of Ministers, was a permanent rise, which it was intended, and would, he believed, be effected by the system of the present bill; and on that idea it was that the four per cents. were to be reduced. As to the last objection, which was, that in the contingency of a dissolution of Parliament, there might be something tantamount to a dispensing power in the Crown, he must first observe, that it was a case of so extreme a nature, that there was but little chance of its occurring; and if ever it should, it would operate only for forty days, that was, for the time in which it could be said there was no Parliament. He dissented from the motion of the noble Earl.

Lord RAWDON said, he little thought that the ghost of the last bill, agitated in that place, would have again made its appearance there; but he was deceived. The noble Secretary of State had said, that the present was of the same principle with the bill which had been so generally applauded—the bill for appropriating a million annually for the reduction of the national debt. This was not the case. What was the principle of the former bill? A specific proposition for a specific purpose, applied to a specific object. What was the principle of the present bill? An indefinite provision for an indefinite object, to govern indefinite circumstances. But there was nothing in it that could bind posterity; that, he knew perfectly well, was impossible, and therefore he had no anxiety about it; but it was the silliness of the thing, and the ridicule which would attend it, that he wished to avoid. It was the contempt of posterity that he wished to escape, and what could be more contemptible than that Parliament should shew a disposition to do what they knew they could not do; what they acknowledged they could not do—bind their posterity. But this was only the outward shape of the thing. Its internal quality was very different. The real purpose of the bill was to fetter a future Administration, in order to obtain a temporary popularity for the present, who, before they pretend to lay down rules for the guidance of the proceedings of their successors, ought to be a little more accurate in their own. Last session, he had called

on them to meet him in an inquiry into the ſtate of the finances of this country; they ſhrunk from the inveſtigation. He would not ſay that he had ſhamed them, but he had ſtated what ought to have ſhamed them. After all that had been ſaid upon our flouriſhing finances, the increaſe of our revenue, the real truth at this hour was, that after nine years profound peace, our peace eſtabliſhment had actually increaſed one million three hundred thouſand pounds a year; and that too excluſive of our wretched, miſerable, and ridiculous armaments, by which not a ſhilling profit, nor a ſpark of glory, was obtained to Great Britain. This was the effect of all the wiſdom and profound financial capacity of our Miniſters. And this too at a time when almoſt all the Powers in Europe, except our own, were torn in pieces by commotions at home and abroad. His Lordſhip then returned to the clauſe in queſtion, and decidedly diſapproved of the principle of it, which, he ſaid, militated againſt the true ſpirit of patriotiſm; it might, perhaps, render the moſt glorious act in a free country unpopular, by fixing a ſtigma on the means of rewarding valour, which certainly might be the caſe, by rendering it difficult to raiſe money for the public ſervice.

Lord GRENVILLE roſe again to take notice of the noble Lord's having charged Miniſters with having ſhrunk from the diſcuſſion of the objections ſtated ſome ſeſſions ſince relative to the ſurplus of the revenue. He never would hear, his Lordſhip ſaid, that he ſhrunk from any diſcuſſion, without riſing inſtantly and making a reply. The noble Lord, in regard to the matter alluded to, had offered his obſervations in a Committee, and it being obſerved, that that was an improper place for him to ſtate them in, had ſaid, he would make them in the Houſe, and he had himſelf riſen, and anſwered them at length. His Lordſhip ſaid, in his former ſpeech he had intended to make ſome reply to what had fallen from a noble Earl, [Lord Lauderdale] relative to the reduction of the 4 per cents. but he had accidently omitted to notice it, he would therefore then ſtate his reply to that part of the noble Earl's ſpeech. His Lordſhip read a paſſage from His Majeſty's ſpeech at the opening of the ſeſſion, in which the attention of Parliament is required "to the ſtate of the funds and of public credit, with a view to the reduction of the rate of intereſt

"of any of the annuities which were redeemable," and explained it by ſtating, that it did appear to Miniſters highly probable, that in the courſe of the ſeſſion ſuch a meaſure, as a reduction of the 4 per cents. might be practicable, and it was deemed an honeſt and fair conduct with regard to the public creditor, to apprize him of a meaſure, which it was to be expected would have taken place. With regard to ſpeculating in the funds, the noble Lords muſt know, that neither Government nor Parliament itſelf, could act upon the caſual change of price that might accidentally occur, but muſt be governed by a permanent riſe. It was true that ſtocks had fallen, and that an advantage might have been made, while they were at the higheſt, but his Lordſhip ſaid, they were again getting up, and the ſame advantage might yet be gained for the public.

The Marquis TOWNSHEND roſe merely to take notice of what Lord Rawdon had ſaid in reprehenſion of the abolition of taxes. His Lordſhip declared, that the late reduction of impoſts had proved highly ſatisfactory to the induſtrious poor in the county in which he lived, and acted as a Magiſtrate for the greateſt part of the year. In his own and the neighbouring pariſhes there were at leaſt fifty families, the heads of which ſometimes did not uſe to ſee their wives and children above once or twice a week, till the taxes were reduced. He ſtated the reaſons which occaſioned their abſence, and particularly complained of the late malt-tax addition, which prevented the labouring poor from brewing their own beer, and drove them to public houſes, where drunkenneſs and every ſort of depravity prevailed, to the great injury of thoſe who depended on the labouring poor for ſubſiſtence. He mentioned the ſatisfaction that the repeal of the other taxes had alſo given, and the good effect they had produced; and as the end of all government ought to be the eaſe and comfort of the people, he thought Government ſhould rather be praiſed than blamed, when their meaſures produced that ſalutary effect The poor, he ſaid, were not influenced by ſpeeches in the newſpapers, but their feelings told them when their happineſs was promoted, and then they expreſſed their ſatisfaction naturally but forcibly.—His Lordſhip ſaid he would leave the diſcuſſion of the other

topics, that had been touched on, to thofe noble Lords who were better qualified to handle them than he pretended to be.

Lord RAWDON faid, he had not blamed the repeal of taxes, but reprobated the petty motives which had produced that meafure. And in the prefent cafe he had fpoken about the taking off two hundred thoufand pounds of taxes, merely to guard againft the incongruity of principle laid down in the bill then before the Committee.

Lord STORMONT declared, he had imagined, like the noble Lord near him, that the bill would not have again appeared, but *ecce iterum Crifpinus!* He had flattered himfelf, from the rough manner in which he had been handled when he firft came before their Lordfhips, that they fhould not have feen his aukward face again. However, being once more with their Lordfhips, he would once more talk to him. He rofe to ftate his objections on a fubject apparently almoft exhaufted, but he would fay nothing more of the claufes in queftion, than that he conceived them to be inept, prepofterous, futile, and nugatory. How His Majefty's Minifters could be fo ignorant of the firft principles of political wifdom, as not to know that their application could only be falutary and effectual, when governed by a clofe attention to times and circumftances, he was at a lofs to imagine. He that attempted to adapt them to every circumftance that might poffibly arife, would find himfelf miferably miftaken. Such an idea might amufe the fanciful philofopher in his clofet, but would be rejected by every man who poffeffed the fmalleft fhare of practical experience. It was impoffible that Minifters could believe that fuch a bill could have any real effect; they muft know to the contrary. He declared he was at a lofs, to what he was to impute fo idle a project. He could not imagine it done for the purpofe of catching a breath of the tranfient gale of popularity, by dreffing up fuch a mock pageant for the populace to gaze at and admire. He put the cafe, that a Minifter in future times found it neceffary to difcufs the bill, and its propriety; he ftated, how fuch a Minifter muft reafon upon it, and what he muft fay, when he had to remark, that it had not, when it paffed, efcaped obfervation; but that, on the contrary, it had been animadverted on by the wifeft man who fat in the Houfe of Lords on that day, or perhaps that ever had mingled

in the Councils of any ſtate, in any period, or in any country, and had, by the forcible ridicule of that noble and learned Lord, been delivered over to eternal deriſion. After moſt ſeverely reprobating the attempt to provide for circumſtances which the preſent Miniſters could not poſſibly foreſee, his Lordſhip ſaid, that day had afforded a ſtrong proof how inapplicable the powers of eloquence were to matters of finance.

He then proceeded to examine Lord Grenville's defence of his brother Miniſter, for his conduct in regard to the not having ſeized the opportunity of reducing the four per cents. His Lordſhip contended, that the opportunity that had been loſt was moſt probably irrecoverably gone, as ſtocks were not likely to riſe again ſo high, at leaſt for many months. He mentioned the circumſtances of Europe as the grounds of this opinion, and ſaid, he did not confine himſelf to the neighbouring States; but he would aſk, did His Majeſty's Miniſters ſee nothing in the affairs of Poland that might involve this country in a war? Could we believe, that after Miniſters had done ſo much to promote and encourage the revolution in Poland, which was ſuch as to claim general approbation, that they ſhould be indifferent to the preſent fate of Poland? Thoſe who found it ſo neceſſary to vary their own principles, ſhould be very cautious how they preſcribed a conſtant rule for others. Beſides, could Miniſters, with all their foreſight, pretend to aſſure them, that there was no probability of a war? Did they know that the navigation of the Dnieſter might never be diſturbed, nor the Budjack Tartars moleſted? If they ſhould hereafter embark in a war, the intereſt of the country required that it ſhould not be terminated but by an honourable peace, and although every man knew that the loan neceſſary for the firſt year of a war, might be eaſily raiſed, infinite difficulties might attend the raiſing the loan wanted for future years to carry on the war, and few wars were ever ended in one year; but moſt of them, as hiſtory proved, had continued ſix or ſeven years, and ſometimes longer. He recollected, that Cardinal Fleury, who was engaged in a war, which he did not himſelf wiſh, had ſaid, that "the laſt half crown would carry it." So would it be with us; and he heartily wiſhed the laſt half crown, whenever we were engaged in a war, might remain in our pockets; but he did not think the preſent bill the means of inſuring it. In

fact, it reminded him of an act of one of the proudest monarchs that ever reigned in modern times; he meant Louis the Fourteenth, who, in the career of conquest, and drunk with the lust of ambition, being attacked by the irresistible influence of female persuasion, to make a will in favour of those who were termed the illegitimate Princes, could not resist, but saw the folly of what he had done, and said, "I have spent the day in "most laborious and important work, but although I have executed it with all the great solemnities the occasion required, "I am conscious that the work itself will not subsist half an "hour after I am dead."

Lord MULGRAVE defended Ministers from the attacks that had been made on them by the noble Viscount, and other noble Lords who had spoken against the clauses. His Lordship said, if ever people had a right to record their experience, the present Ministers had at this time that right. Let the House recollect the circumstances under which the government of the country came into their hands. Let them remember the exhausted resources, the heavy burdens sustained by the people, and the enormous debt! They had conducted the country through all its difficulties, and the face of affairs had assumed a prosperous shape in their hands. They had provided an effectual system for the diminution of the national debt. Increasing prosperity had enabled them to carry the principle of that system farther than any man, a few years ago, thought it could be carried, and they were laying down principles for future times, which would operate as a warning at least, and could not be wantonly passed over, or trampled under feet. Such conduct he thought praiseworthy and wise. The present Ministers had a right to draw the line, and so far bind future Governments from incurring the danger from an enormously accumulated debt, that had been brought on the country by others, but which it had been their good fortune, from prudence and ability, to surmount. What was it but enabling future Ministers to say to the people, "You may have war if you chuse it, but if you will have war, you must pay for it?" Could any time, his Lordship asked, be more proper for such a measure than the present moment, when the country was emerging from distress? The country, he was persuaded, would not be cha-

morous for war, when Minifters could fay, " If you will have " war, it is you who are to pay for it, and not pofterity."

The Earl of Lauderdale's amendment was rejected, and the bill paffed the Committee.

The Houfe adjourned.

Monday, 11th June.

Seventy public bills, and forty-fix private bills, received the Royal affent, by virtue of a commiffion under the Great Seal.

Lord RAWDON moved the order of the day, which was for the commitment of the Debtor and Creditor bill.

Lord KENYON, after admitting the neceffity of fome meafure being adopted to regulate the laws relative to debtor and creditor, and expreffing a hope that fome fuch meafure fhould hereafter be brought forward, when there fhall be time to confider it duly, expreffed his apprehenfions that it was much too late in the feffion to enter into it at prefent. He moved, That the Committee be poftponed for a fortnight.

Lord RAWDON explained the reafon why he brought this fubject forward at the prefent time. He obferved, that early in the prefent feffion he had mentioned the matter, and the neceffity of coming to a decifive meafure was then generally underftood. He had known of a Committee of the other Houfe being appointed to examine into the practice and effect of imprifonment for debt. Much time was unavoidably taken up in the progrefs of that inquiry, and very lately the honourable gentleman, who had taken fuch laudable pains on that fubject, had found that it would be impoffible for him to come forward with a plan of permanent regulation in the prefent feffion. He therefore came forward, not to fupply the whole of that defect, but to endeavour to make a temporary regulation, leaving the great queftion to be fully difcuffed hereafter. Under this impreffion he had given notice of, and, as expeditioufly as he could, he had afterwards framed the prefent bill; the nature of which, their Lordfhips would fee, was as anxioufly to guard againft the fraudulent debtor, as to extend relief to the unfortunate. Here his Lordfhip enumerated the feveral cafes of hardfhip actually felt, and hinted at what poffibly might be felt from imprifonment for debt, both by debtor and creditor. His

object was, to do justice between both; to compel a debtor to give up all he either actually did possess, or had any prospect of possessing; but to prevent, that, under such circumstances, any unfortunate man, thus giving up all he had, or possibly could have, should, from the whim or caprice of the individual who might be his creditor, remain in jail for life. That no man, to gratify a perverse temper, on the one hand, should have it in his power to keep his fellow-creature in prison merely on chusing to pay him fourpence a day; or, on the other, that no man should go to prison for a debt, and, to the injury of his creditor, revel in luxury upon that property which ought to be given up to his creditors. The principle of the bill in question was, to give the Judges a power to compel the parties to do justice to each other.

The LORD CHANCELLOR admitted the justice of the sentiments of the noble Lord, complimented him on his humanity, and admitted the deficiency of the laws of imprisonment for debt. Even the bankrupt laws, which were to supply the deficiency of all others with respect to the creditor's right to a distributive share of his debtor's effects, were themselves very defective. He had sat in a Court for fourteen years, where all the affairs of the bankrupts in this kingdom were decided, and he found that in almost all of those that were contested, and where there were dishonest transactions, the fraud lay between the bankrupt and some or more creditors of his, to the destruction of the fair claims of the other creditors. This was an evil which experience taught us, that the bankrupt laws are not perfect. This bill appeared to him to have all the defects of the bankrupt laws, without the advantage which they gave for inquiry into the affairs of an insolvent debtor. This bill did not allow time for that inquiry, and in the nature of it altogether, that inquiry, to any effect, would be impossible. It occurred, indeed, to him that the whole question ought to be decided, and something definite should be agreed on, on this subject; and he could not help observing that the reason that operated in the mind of the honourable gentleman who had moved for a Committee in the other House to postpone the subject for the present session, applied with at least equal force to the present bill. He allowed, indeed, that something should be done on this subject. He confessed, he thought that if

bonds for the payment of money, securities in the funds, and all that sort of property that a Sheriff could not levy upon, under a writ of *Fieri Facias*, and was generally called in substance property, would be made subject to the payment of a prisoner's debts, the law in that respect would be improved, and he thought that where that could be made out fairly, such a prisoner would be entitled to his discharge. But the difficulty was to fix and define the manner in which a debtor's property was to be subjected to the payment of his debts; and even in this point of view, there ought, in his mind, to be a distinction made between one sort of debt and another. For instance, where a debt might arise out of a verdict for scandal, or a verdict for adultery, or for any one of those immoral deeds, for which a man forfeits the claim he otherwise would have on the compassion of his fellow creatures, there should be no bill to relieve such a person. In fraudulent transactions too, when men get into debt, without the least chance, prospect, or perhaps intention, to pay, no man would say that such a defendant could be entitled to favour, in the view of a fair, honourable, impartial bystander, judging, without prejudice, between plaintiff and defendant. However, a great deal of discussion would belong to these things at a future day, and it was impossible to enter into them at present; he therefore trusted that, under all the circumstances of this bill, the noble Lord would not persist in pressing it forward, particularly as there was not the least probability of success in the present session, as it would have another House to go through, if their Lordships were to agree to it.

Lord RADNOR moved, that the bill for explaining certain acts relative to the passing of seamen and soldiers, be read a third time.

Lord SANDYS objected to the bill, as repealing an act of the present session.

The LORD CHANCELLOR said, if the bill were agreed to, it would form a precedent for subjecting the House to the greatest inconvenience, inasmuch as it would tend to prevent any business being closed, and leave those persons at liberty, who objected to an act, to endeavour by a new bill, to repeal it in the same session, which, in its turn might also have another bill presented for its repeal.

The Duke of RICHMOND urged the necessity of the bill, in order to correct the gross injustice of a clause passed inadvertently in the present session; a clause which absolutely went to punish, as vagrants, every sailor or soldier who might unfortunately be shipwrecked on the coast. An act of such injustice and cruelty, if passed but a single hour, he should not think a good reason against a bill for its correction.

Lord RAWDON said, that in point of form, he admitted the full force of the arguments which had been advanced against the bill by the noble and learned Lord on the woolsack, but even though the inconvenience to which the House might be subjected, by the precedent created by the bill before them, should be ten times greater than stated, he would rather give his vote in its favour, and subject the House to those inconveniences, than by withholding his vote render one soldier or sailor who might be shipwrecked on our coast, liable to the gross injustice and cruelty of being punished as a vagrant.

The question being put for the engrossing of the bill, their Lordships divided,

Contents	—	8
Non Contents	—	8

The numbers being equal, the Lord Chancellor gave his casting vote against the bill.

On reading the order of the day for taking into farther consideration the New Forest bill,

Lord PORCHESTER presented a petition on behalf of sundry owners of land in the New Forest, stating that they had not had any notice of Parliament proceeding in this bill. That it will most materially affect their rights if passed into a law, and praying to be heard by Counsel against it, and to be allowed to adduce evidence at the bar of that House.

Lord GRENVILLE allowed, that when any parties, who were to be affected by any bill, complained of its operation, and offered to give evidence of the tendency of such a measure being injurious to their rights, such parties ought to be heard. Upon that principle he should assent to the prayer of the petition, whatever opinion he might entertain of the merits of the case, or of what he thought would appear in detail on the subject. The principle of the bill he still adhered to, and he believed that the petition in question made but a slender part of

the real subject before Parliament; and he wished it to be observed, that something of the nature of this bill must be renewed in the next session.

Lord PORCHESTER made some sarcastic observations on the sudden discovery of the noble Secretary of State—that men complaining of their rights being violated, had a right of being heard. That observation being made before, had not the power of convincing him, as it did at present. His Lordship then enumerated the petitioners. He allowed, that forests ought to be appropriated for the service of the Royal navy; because he was afraid we could not depend on any other mode of cultivating timber; but he was persuaded that the present mode would not answer the purpose.

The question was then put; and it was ordered, that the farther consideration of this bill should be postponed to this day three months.

On reading the order of the day, which was for the third reading of the bill to remove doubts respecting the rights and functions of Juries in criminal cases,

Earl BATHURST said, that from what had passed upon this bill, he could not expect their Lordships to be of his opinion; but he could not suffer a bill which took away the rights of Judges so completely as this did, to pass, without delivering his sentiments upon it. In order that those of our posterity, who might think it worth while to refer to the memory of his name, or to his character or opinion, might really understand his sentiments, he begged leave to say that he protested against this bill, and was decidedly against its form and principle.

The bill was read a third time and passed.

PROTEST against passing of the Bill "To remove doubts respecting the Functions of Juries in Cases of Libel."

Dissentient,

1st, Because the rule laid down by the bill, contrary to the determination of the Judges and the unvaried practice of ages, subverts a fundamental and important principle of English jurisprudence, which, leaving to the jury the trial of the fact, reserves to the Court the decision of the law. It was truly said

by Lord Hardwicke, in the Court of King's Bench, that if ever these came to be confounded, it would prove the confusion and destruction of the law of England.

2dly, Because juries can in no case decide, whether a matter of record be sufficient upon which to found judgement. The bill admits the criminality of the writing set forth in the indictment, or information, to be matter of law whereupon judgement may be arrested, notwithstanding the jury had found the defendant guilty. This shews that the question is upon the record, and distinctly separated from the province of the jury, which is only to try facts.

3dly, Because, by confining the rule to an indictment, or information, for a libel, it is admitted that it does not apply to the trial of a general issue, in an action for the same libel, or any sort of action, or any other sort of indictment, or information: but as the same principle and the same rule must apply to all general issues, or to none, the rule as declared by the bill is absolutely erroneous.

THURLOW, C.
BATHURST.
KENYON.
ABINGDON.
WALSINGHAM.
JOHN BANGOR.

Tuesday, 12th June.

The House, upon the motion of Lord Grenville, resolved into a Committee on the Westminster Police bill, Lord Cathcart in the chair.

Lord LOUGHBOROUGH objected to the bill, and thought that when the importance of its nature and tendency was considered, it was impossible that any body could wish to have it passed through the House in a hurry, and at this late period of the session, when he understood they were within two days of the prorogation. If the immediate necessity for such a bill could be pointed out, he would be the first to support it, but that he could not see. He was perfectly aware of the present mode of conducting the Offices of Police in Westminster, and the profits arising to those who were employed as Justices in

one Office. He knew that the fines from forfeited recognizances amounted to 800l. in one year. He thought the Police of Weftminfter might be on the fame footing with other parts of the country, where the refpect which attended the character and name of a Juftice of Peace, and the influence he had in the country about him, was very confiderable. In confequence of this circumftance it had always been a fituation that gentlemen had acted in without falary, and were happy to have it in their power to do that good which their commiffion gave them. Inftead of appointing additional Juftices in this way, the prefent bill went to appoint twenty-one infpectors of the Police, at 400l. per annum. He entered into a hiftory of the Bow-ftreet Office, fince its inftitution, and noticed the Rotation Offices which had fince been opened, and which he wifhed to be fuppreffed, becaufe the impropriety of their proceedings in many refpects put them in a very bad point of view from their rivalfhip to obtain bufinefs merely for the emoluments; and though he was averfe to go into any detail of their proceedings, he would not hefitate to call them rival fhops. He was of opinion that fome fcheme might be thought of that would anfwer all the purpofes, and not be attended with any of the bad effects which he dreaded from that bill. Tradefmen of character might be found that would accept the Office of Juftices in a diftrict of feveral ftreets in their neighbourhood. They would know the parties in any difturbances that might arife within that diftrict, and would always be reforted to. This they could do without materially affecting their other employments, and would completely do away the trading Juftices. He noticed the long fpace of time which had elapfed, without a commiffion for a Lord Lieutenant of the county being made out, and fubmitted it to their Lordfhips, whether a perfon of high rank and character might not be found to accept that Office, and do the duties of it, in which cafe he thought the beft way would be to poftpone the prefent bill till next feffion, and try whether a fufficient reform might not be made, to render it unneceffary. There was one claufe in it, which he thought by far too loofely expreffed, wide in its extent, and anomalous in the law of the country; but trufting that the bill would not be preffed on the Houfe that night, he referved what he had farther to fay on the fubject.

Lord SYDNEY replied, and thought the bill ſhould be paſſed as ſoon as poſſible; the daily aſſaults and robberies in the ſtreets, which their Lordſhips were no ſtrangers to, pointed out the neceſſity of it. It had been his lot to have many ſchemes of the ſame kind propoſed to him, and they had generally been put off upon the idea of waiting another year, and trying the effect of ſuch remedies, as could be applied conſiſtent with the preſent laws— thoſe had always proved ineffectual, and therefore the ſooner that the bill paſſed the better, any alterations or amendments of it that ſeemed neceſſary could afterwards be made.

Lord RAWDON was of opinion that ſome proviſion ſhould be made for a more effectual police than we had at preſent in the metropolis, but was convinced that at this late period of the ſeſſion it was not prudent to conclude upon a meaſure of ſo much importance. He obſerved that this objection was thought fully ſufficient by the Houſe yeſterday, when he urged the progreſs of a bill of as much importance as this, a ſubject which he would ſay deſerved the moſt ſerious attention of Parliament; he meant the law between debtor and creditor; law he could not properly call it, but it was a practice which he could only deſcribe by ſaying it was a perverſion of law, to the great grievance of the ſubject. He objected to this bill thus generally upon the lateneſs of the ſeſſion. There was another objection, and a particular one, to a clauſe in this bill, ſuppoſing the reſt to be right, upon a general principle. He meant the clauſe which authoriſed the taking up of any reputed thief. He wiſhed to know how that was to be defined; the term was much too looſe and indefinite, and their Lordſhips would, if they agreed to this clauſe, reſt the character of every inhabitant of this metropolis on the opinion of a conſtable; and men might be frequently diſturbed in the purſuit of buſineſs of the moſt eſſential importance at the will and whim of a petty runner of a Rotation Office.

Lord LOUGHBOROUGH proteſted againſt the principle of extending this bill to any part of the kingdom but the metropolis. He ſaw a great neceſſity for a much more vigorous and effective police than we had at preſent in Weſtminſter.—He approved in general of the plan of the preſent bill, ſuppoſing that a ſtipendiary ſyſtem of Magiſtracy was unavoidably neceſ-

sary. This, however, he doubted, and he thought, that after hearing all that could be urged on the subject, the officers of the Crown might deliberate in the recess, and at the opening of the next session be prepared with a plan, which would admit of a liberal, honourable, independent, gratuitous system of Magistracy. However, if their Lordships despaired of success upon that view, he saw much propriety in many of the provisions of the present bill. The bill being generally a good one, supposing a stipendiary system an unavoidable one, he would not dissent from it, if it could be proved to be the only practical improvement of the police; but the question seemed to him now to be considered, was, Whether this system, on the face of it, bore such evident marks of utility, as to render farther investigation of the subject unnecessary, and to justify their Lordships in adopting it at the present season?

Lord KENYON saw great difference between this bill and that respecting debtor and creditor postponed yesterday. That, indeed, although brought in from the best intentions, from the most honourable feelings, and humane motives, appeared to him, in its present form, to be wholly inadequate to its object. But the present measure appeared of a different nature to his mind, and he was ready to acknowledge, that for Westminster, and those parts for which the bill provided, there seemed to him to be an unavoidable necessity for a stipendiary system of Magistracy. He knew it had been often said, that under certain regulations, gentlemen of independent fortune might act for the metropolis in the character of Magistrates, as they did, so much to their own honour, and so much to the advantage of the Public, gratuitously; but he must confess he was tired of expecting it. Many attempts had been made to that effect, but none of them had succeeded. It appeared, therefore, that there was a necessity for some stipendiary system; the question then was, whether this was a proper system? and in that view he was of opinion there was much utility in it. As to the clause empowering constables to take up reputed thieves, he saw nothing against the liberty of the subject in it. The constable could not act *ad arbitrium*. By this clause witnesses were to be examined; and if a person thus taken up could give a good account of himself, he would be entitled to his discharge; and if Magistrate and constable acted so as to oppress any in-

dividual, they would be ſubject to an action. The principle of this clauſe was not new. Here his Lordſhip took notice of many acts of Parliament from *Magna Charta*, and another act which might be called a *New Magna Charta*, and perhaps a greater bleſſing to the ſubject than the old one—he meant the *Habeas Corpus* act. Even in this act a difference was made between perſons of good reputation and ſuſpicious perſons. It was not altogether new in practice in this metropolis, for he believed that the watchmen of St. George's pariſh had a practice ſomething ſimilar to the ſpirit of this clauſe, and many actions had come before him upon that practice, and the jury had manifeſted their regard for good order, and had protected theſe watchmen in caſes where they had only enforced the law, and had given damages where there appeared to be any violation of the principles of juſtice, in the taking up or detaining individuals. He thought this, like other human labours, imperfect; but he thought its merits much greater than its defects, and therefore he was bound in juſtice to ſupport it. The defects might be amended after they were clearly ſeen, as the whole was only a matter of experiment. He thought the ſyſtem altogether ſuch as was entitled to their Lordſhips' confidence.

The Duke of LEEDS was convinced of the neceſſity of amending the ſtate of the Police of Weſtminſter; the increaſe of houſes, and of the number of inhabitants required it. Perhaps indeed the Police was ſo defective that an amendment would not be adequate, and that an entire new conſtitution ſhould be made, ſimilar perhaps to that of the city of London. However he had no ſpecific objection to this as a matter of experiment.

Lord SYDNEY doubted whether altogether the Police of the city of London deſerved to be conſidered as a ſyſtem for imitation. There were in the city houſes as bad receptacles, as infamous, as any in the county of Middleſex.

Lord GRENVILLE entered at large into the merits of the bill, and approved of it as being, in his opinion, the beſt ſyſtem of police that had been yet offered. He took notice of the defect of the preſent ſyſtem (which for the laſt two years he had the pain to obſerve as Secretary of State) and noticed ſome late ſhameful proceedings; the whole tending to convince him of the neceſſity of the preſent meaſure. He made his acknow-

ledgements for the liberal manner in which the whole of the ſubject had been treated by all parties. He hoped that the lateneſs of the ſeſſion would be no objection to this meaſure paſſing. Rather than that ſhould be an impediment, he, for one, would conſent that it ſhould be continued for the ſole purpoſe of diſcuſſing this ſubject, if noble Lords thought that it ought to be ſtill more fully diſcuſſed. It was to be remembered that this was only a matter of experiment, and that, properly ſpeaking, this was not a bill to remedy all the defects of the Police of this metropolis, but a meaſure calculated to afford means to diſcover what will be the beſt mode of forming a Police that will be as near perfection as the infirmity of human ſenſe can admit. It was a meaſure adapted to the purpoſe of making us wiſe by experience, and he hoped that in that view it would appear to merit the confidence of that Houſe.

The LORD CHANCELLOR approved of the clauſe, empowering conſtables to take up notorious thieves. It was not new in the principle of the law; It was known even before our ſtatute law. In the earlieſt times perſons of ſuſpicious appearance were taken up, and kept in cuſtody until they either explained their character and way of life, or gave ſecurity for their good behaviour towards the Public. This was a right that the peaceable part of the community had to ſupport. To quiet the alarm of the peaceable citizen, to remove his apprehenſion of danger, either to his perſon or to his property, was what he had a right to expect from the law; and a perſon, who from his general character, his habits, his appearance, and all the circumſtances attending him, inſpired the peaceable ſubjects with reaſonable apprehenſion of danger, ſhould be called upon to remove the cauſe of that apprehenſion; this was the principle of this clauſe, and he felt himſelf prepared to aſſent to it. There appeared to him no difficulty in the caſe, nor did it lead to any probability of hardſhip. It was not enough for a perſon to be a thief, but he muſt be a perſon within three diſtinct points of deſcription combined.— He muſt firſt be a reputed thief (a term exceedingly well known at Bow-ſtreet). He muſt be ſeen in a certain condition in public, and from his poſture and conduct, known to be intent on committing felony; and he muſt, when taken up, be unable to give a good account of himſelf; a claſs of citizenſhip that

fairly brought him under the meaning of what the Legiſlature had repeatedly denominated, and what the 17th of Geo. II. which was nearly a compendium of all the reſt, called a rogue and vagabond. This clauſe dealt with this perſon as a rogue and vagabond, and had his full aſſent. With regard to the remainder of the bill, he could not approve of it altogether; he rather thought the old ſyſtem with, perhaps, a little regulation, might be better than this plan.

The Earl of Aylesford and Lord King ſupported the bill, which was then committed and paſſed the Committee, and the report was ordered to be received to-morrow.

Wedneſday, 13th June.

Counſel was heard on the Briſtol Jail bill, and being withdrawn, the bill was read a third time and paſſed.

The Weſtminſter Police bill was, according to order, read a third time and paſſed. The Houſe adjourned.

Thurſday, 14th June.

Lord GRENVILLE moved, "That an humble addreſs be "preſented to His Majeſty, praying that he will be graciouſly "pleaſed to give directions that ſuch improvement may be "made in this Houſe as ſhall appear to be requiſite for the "convenience and accommodation of the Members thereof." Ordered. The Houſe adjourned.

Friday, 15th June.

His Majeſty came to the Houſe, and being ſeated on the throne, the Gentleman Uſher of the Black Rod went to the Commons to demand their immediate attendance, and being returned with the Speaker and Commons to the bar, the Speaker addreſſed His Majeſty in a ſpeech. [For which ſee the proceedings of the Commons on the laſt day of the ſeſſion.]

Then the Royal aſſent was pronounced to the National Debt bill, and to ſeventeen other bills.

After which His Majeſty was pleaſed to make a moſt gracious ſpeech to both Houſes of Parliament. [For which ſee the Proceedings of the Commons on the laſt day of the ſeſſion.]

Then the Lord Chancellor, by His Majeſty's command, prorogued the Parliament to the 30th day of Auguſt next.

END OF THE THIRTY-SECOND VOLUME.